



ATTACHMENT 7
COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT

Tentative Notice of Action

*Promoting the wise use of land
Helping build great communities*

MEETING DATE April 17, 2015	CONTACT/PHONE Holly Phipps (805) 781-1162	APPLICANT Willow Creek NewCo, LLC	FILE NO. DRC2013-00028
EFFECTIVE DATE May 1, 2015			
SUBJECT A request by Willow Creek NewCo, LLC for a Minor Use Permit to allow for the phased expansion of an existing agricultural processing facility (olive oil and wine). Construction is proposed to include demolition and replacement of an existing 6,820 square foot (sf) barn and two new buildings (2,600 sf and 3,000 sf) that will include processing areas, tasting room, retail sales, commercial kitchen, office, and storage. The project also includes a request for 25 temporary events annually with no more than 200 guests per event and to allow for the processing of off-site olives. The applicant is requesting modifications to ordinance standards to allow adjustments to the required setbacks, and an increase to the limits of retail sales area. The project will result in the disturbance of approximately 3.5 acres on a 120 acre parcel. The project will utilize portions of the existing access and infrastructure. The project is located on the east side of Vineyard Road, approximately 1 mile south of Adelaida Road (8530 Vineyard Drive), approximately 7.5 miles west of the community of Templeton, in the Adelaida Sub planning area of the North County Planning Area.			
RECOMMENDED ACTION 1. Adopt the Mitigated Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. 2. Approve Minor Use Permit DRC2013-00028 based on the findings listed in Exhibit A and the conditions listed in Exhibit B			
ENVIRONMENTAL DETERMINATION The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on November 26, 2014 for this project. Mitigation measures are proposed to address aesthetics, biological resources, geology and soils, hazards/hazardous materials, public services/utilities and water/hydrology and are included as conditions of approval.			
LAND USE CATEGORY Agriculture	COMBINING DESIGNATION None	ASSESSOR PARCEL NUMBER 014-331-073	SUPERVISOR DISTRICT(S) 1
PLANNING AREA STANDARDS: Light and Glare			
LAND USE ORDINANCE STANDARDS: Section 22.30.070.2 Agricultural Processing Uses, Olive Oil Production; Section 22.62.050 Minor Use Permit Approval; Section 22.10.090 Heights; Chapter 22.18 Parking and loading; Chapter 22.20 Sign Ordinance; Section 22.10.180 Water quality, Section 22.10.120 Noise Standards; Section 22.30.075 Agricultural Retail Sales – Farm Stands; Temporary Events. Does the project conform to the Land Use Ordinance standards? Yes - see discussion			
FINAL ACTION This tentative decision will become final action on the project, effective on the 15 th day following the administrative hearing, or on May 1, 2015, if no hearing was requested unless this decision is changed as a result of information obtained at the hearing or is appealed.			
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242			

EXISTING USES: Agricultural uses, dry farm olives, olive oil processing and tasting room, three residences	
SURROUNDING LAND USE CATEGORIES AND USES: North: Agriculture; agricultural uses, residence South: Agriculture; agricultural uses, residence East: Agriculture; agricultural uses, residence West: Agriculture; agricultural uses, residence	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Environmental Health, Agricultural Commissioner, CAL FIRE,, Regional Water Quality Control Board, Building Department, and Templeton Area Advisory Group	
TOPOGRAPHY: Gently sloping to moderately sloping	VEGETATION: Grasses , oak woodland, olive trees
PROPOSED SERVICES: Water supply: On-site well Sewage Disposal: Individual septic system Fire Protection: CAL FIRE	ACCEPTANCE DATE: April 22, 2014

HISTORY

On January 2, 2015, this project was approved on the Consent Agenda at the Planning Department Hearing. The project was appealed to the Board of Supervisors noticed for a hearing on March 24, 2015. Planning had requested to continue this item to April 14, 2015.

Due to a procedural error that occurred prior the original Planning Department Hearing, Staff recommended on March 24, 2015, that the Board of Supervisors remand the project back to a Planning Department Hearing. On March 24, 2015, the Board of Supervisors took action and remanded this project to the next available Planning Department Hearing.

PROJECT DESCRIPTION

The proposed project is the phased construction and expansion of an existing agricultural processing facility (olive oil and wine). The proposed project includes an agricultural processing operation which includes the ability to process up to 5,000 cases of wine annually and up to 200 tons of olives annually. The winery operation is proposed to include on-site crushing, fermentation, barrel aging, blending, bottling, and case good storage. The project will utilize portions of the existing access and infrastructure. The olive oil operation is proposing to produce olive oil without using solvents that will include on-site pressing of olives and bottling of olive oils. Olives will be processed from both on and off-site olives.

The project phasing includes:

Phase I

- Construction of a 3,000 sf commercial agricultural production and storage building (wine and/or olive);
- 25 Temporary Events (upon completion of secondary access) with no more than 200 guests with amplified music.

Phase II

- Demolition of an existing agricultural barn;
- Construction of a 6,820 sf building (Replacement Barn) to include:
 - 3,091 sf processing area and storage area;
 - 1,787 sf tasting room;
 - 627 sf storage room;
 - 1,315 sf commercial kitchen, and restrooms;

- Access, parking, and utility improvements;
- Conversion of the existing tasting room into offices when the new tasting is completed (in Phase III).

Phase III

- The construction of a 2,600 sf building to include:
 - 1,900 sf tasting room and retail sales;
 - 460 sf storage, utility and circulation;
 - 140 sf office;
 - 100 sf for restrooms;
 - 1,540 sf outdoor terrace;
 - Conversion of existing tasting room (from Phase II) into storage.
- Processing of off-site olives.

ORDINANCE MODIFICATIONS

The project includes several modifications to limitations on use and site design standards including:

1. Agricultural Retail Sales. The applicant is requesting a modification to the ordinance to allow 1,900 sf of retail sales area. Section 22.30.075.B.1 allows for modifications to the amount of floor area devoted to retail sales. A Minor Use Permit may be used to modify limitation on site design standards.
2. Agricultural Retail Sales Setbacks. The applicant is requesting a modification to the ordinance to allow a setback of 307 feet to the nearest residence outside of the ownership of the applicant (Phase II). Section 22.30.075.B.4. states Agricultural Retail Sales shall be located no closer than 400 feet to an existing residence outside the ownership of the applicant. If not possible to maintain 400 feet from a residence outside the ownership of the applicant, the setback can be modified through a Minor Use Permit.
3. Winery Setbacks. The applicant requests a setback modification (Section 22.30.070.D.2.d.1) of the minimum 200 foot setback for winery tasting room to property line requirement to allow 159 feet (side setback) for Phase II.

The applicant is requesting a setback modification that requires a winery tasting room to be located no closer than 400 feet to an existing residence outside the ownership of the applicant to allow 300 feet during Phase II. A modification is not required upon completion of Phase III (the detached tasting room would be located 486 feet from the nearest residence).

These setbacks can be modified through Minor Use Permit approval when a Conditional Use Permit is not otherwise required. Approval may be granted only after the Review Authority first determines that the request satisfies any of the following findings: (1) there is no feasible way to meet the required setbacks without creating environmental impacts or impacting prime agricultural land (SCS Class I, II and III); (2) the property fronts an arterial or collector street; (3) the setbacks are not practical or feasible due to existing topographic conditions or existing on-site vegetation or (4) is a legally constructed existing structure that was built prior to 1980 and it can be clearly demonstrated that the structure was intended for a legitimate agricultural or residential use. The proposed project meets number (2) because the project fronts a collector road, Vineyard Drive. Therefore, it appears that the project would qualify for an adjustment to the setback requirement and that granting the adjustment would not result in significant land use conflicts.

4. Temporary Events. The applicant is requesting 25 temporary events be held on-site per year and is requesting that the event program runs in perpetuity of the land. Events will be designed to showcase Pasolivo's products to help expand their direct to consumer

marketing plan. Examples of events include but not limited to: farming symposiums, culinary and art shows, wine and food symposiums, weddings, corporate dinners, and olive oil making seminars.

On October 6, 2009, the Board of Supervisors adopted a resolution interpreting the Temporary Events Ordinance (Section 22.30.610 of the Land Use Ordinance). The Board of Supervisors concluded that, while a Minor Use Permit can authorize multiple events, the life of the Minor Use Permit shall be defined as part of the approval. This means that temporary events may not be authorized in perpetuity through the granting of a single Minor Use Permit.

The Board of Supervisors did not establish criteria for how long the Minor Use Permit should be in effect. Instead, this decision has been made on a case-by-case basis by the Review Authority. Previous projects have received approval for a period of between 5 and 20 years.

Since the Board has adopted this interpretation, only four other temporary event authorizations have been granted. The following table compares four previously approved temporary event permits:

Project	Lemm DRC2007-00176	Vogt DRC2008-00047	Waddell DRC2008-00110	Edwards DRC2008-00148	Judd DRC2009-00056	Rava DRC2010-00086
History	Residential, agricultural	Residential, agricultural	Residential, agricultural	Non-profit events	Residential, agricultural	Agriculture
Access	Local road	Arterial highway	Principal arterial	Arterial road	Collector road	Arterial road
Zoning	Agriculture	Agriculture	Agriculture	Residential Rural	Agriculture	Agriculture
Events	20, annually	12, annually	18, annually	16, annually (plus non-profit events)	20, annually	25, annually
Guests	Up to 100	Up to 150	Up to 200	Up to 200	Up to 150	250 to 1000
Life	5 years	8 years	18 years	20 years	15 years	20 years

Therefore, it appears that the project would require a sunset clause and for this particular site staffs agrees that life of the temporary event program at this site should be authorized in perpetuity.

In this specific case, staff recommends a 15-year time limit on this Minor Use Permit. This period is being considered, due to specific project-site characteristics:

- History – The site has been successfully operating as an olive processing facility since 2000 and a tasting room since 2007, with no code enforcement violations.
- Access – The site is located on a collector road approximately 7 miles from the community of Templeton.
- Zoning – The site is located within the Agriculture land use category. The majority of temporary event requests come in on land designated Agriculture and subject to Agriculture Element policies designed to protect agricultural production.

PREVIOUS AUTHORIZATIONS

The site currently has an olive processing mill (to process on-site olives) and a tasting room. The olive orchard is over 15 years old and includes a dozen varieties.

A Minor Use Permit (D990187P) authorized the construction of a 1,344 sf olive oil processing facility (for the processing of on-site olives) with a 244 sf covered porch. Retail sales of olive oil were not included as part of the approval.

A Building permit (PMT2004-03307) allowed the construction to build a 1,258 sf addition to the existing olive processing facility.

A Minor Use Permit (DRC2006-00061) authorized the following:

- a. A wine processing and storage facility and a wine and olive oil tasting room to be located in an existing 2,471 square foot olive oil processing and storage facility (3,775 square feet total including a 1,304 square foot outdoor use area).
- b. Special Events consisting of 6 annual events with up to 80 guests.
- c. Special events are limited to 40 days per year.
- d. Amplified music shall only be allowed from 10 a.m. to 5 p.m. No amplified music shall occur before 10 a.m. or after 5 p.m.

The Special Event program was never vested because the required secondary access was never constructed.

LAND USE ORDINANCE STANDARDS

Ordinance Compliance:

Section 22.30.070.A.2 requires a Minor Use Permit approval where any of the raw materials being processed are not grown on site of the processing facility or on adjacent parcels shall be subject to a Minor Use Permit approval.

The project is subject to Land Use Ordinance section 22.30.070.A.1 and 2, wineries and olive oil production. Section 22.30.070 sets forth standards for development including but not limited to access, setbacks, parking, design, screening, lighting and tasting rooms.

Title 22, Section - 22.30.610 - Temporary Events is an allowable use on Agriculture land subject to the land use permit required by the specific use standards in Section 22.30.610 and is subject to Minor Use Permit approval.

Olive Processing (Section 22.30.070)			
<u>Standard</u>	<u>Required</u>	<u>Proposed</u>	<u>In Compliance</u>
Permit Required	Minor Use Permit required to process off-site olives	Processing of off-site olives proposed; Minor Use Permit submitted	Yes
Minimum Site Area	5 acres	120 acre	Yes
Parking	None, provide ample space for visitor and employees	Ample space exists	Yes
Setbacks from property lines (PL):	200 feet from property lines	New processing / storage bldg. will be 244 feet from PL; Existing mill-processing bldg. is located 95 feet from PL (authorized by previous Minor Use Permit)	Yes
Setbacks from residences outside of the ownership of the applicant	No closer than 500 feet to existing residence outside of applicant ownership	Greater than 500 feet	Yes
Lighting	Lighting fixtures are required to be shielded and directed downwards	None proposed	Yes, as

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	be shielded		conditioned
Olive Processing continued (Section 22.30.070)			
Solid waste disposal	Pomace may be used as fertilizer or soil amendment	Pomace will be used and composted on site; project conditioned to meet this requirement	Yes as conditioned
Design Exterior	Wineries shall have an exterior design styles that is agricultural or residential in nature.	Proposed buildings for winery use / olive use have an agricultural design style	Yes
Tasting room and retail sales	Shall be incidental to primary use; on-site tasting rooms subject to Section 22.30.075 (Agricultural Retail Sales – Farm Stands, refer to attached chart)	Tasting incidental to primary use	Yes
Liquid waste disposal	Winery wastewater - standards set through RWQCB Domestic wastewater - leach lines shall be located at least 100 feet from any private well	Currently the applicant does not have a discharge permit Applicant will be required to obtain all necessary permits	Yes, as conditioned

Agricultural Retail Sales (Section 22.30.075)			
<u>Standard</u>	<u>Required</u>	<u>Proposed</u>	<u>In Compliance</u>
Agricultural Retail Sales	Sales area limitation shall be limited to a 500 sf; unless authorized by Minor Use Permit	1,900 sf of sales area	Yes
Agricultural Retail Sales / Setbacks	<ul style="list-style-type: none"> • 50 feet from front setback • 30 feet from side setback • 30 feet from rear setback • no closer than 400 feet to any residence outside of the ownership of the applicant; unless authorized by Minor Use Permit 	<ul style="list-style-type: none"> • Greater than 50 feet • Greater than 30 feet • Greater than 30 feet • 307 feet 	Yes
Parking	1 per 250 sf of structure or outdoor display area; Retail area consists of 1,900 sf; 10	<ul style="list-style-type: none"> • 10 	Yes

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	spaces required;		
Wineries (Section 22.30.070)			
Standard	Required	Proposed	In Compliance
Minimum Site Area	20 acres for wineries with special events	The subject property is not requesting winery special events	Yes
Access location	Wineries with tasting room, retail sales, special events located on or within 1 mile of arterial or collector	Winery is located on Vineyard Dr. a collector road.	Yes
Setbacks from property lines (PL):	100 feet required for wine processing buildings 200 feet for Tasting Room	New processing / storage bldg. (bldg. A) is 244 feet from PL; Existing mill-processing bldg. is located 95 feet from PL (authorized by previous Minor Use Permit) Existing and previously approved existing tasting room building is 95 feet from PL; Phase II temporary tasting room is 159 feet from PL Phase III tasting room will be 365 feet from PL.	Yes
Setbacks from residences outside of the ownership of the applicant	200 feet for wine processing buildings 400 feet for tasting room	Greater than 500 feet 305 feet, modification required; No setback modification required for Phase III – tasting room will be 487 feet from nearest neighbor	Yes MUP required
Screening	If visible from the public road wineries shall be screened.	Landscape plan submitted	Yes
Lighting	Lighting fixtures are required to be shielded	Project conditioned to meet this requirement	Yes
Solid waste disposal	Pomace may be used as fertilizer or soil amendment	Pomace will be used and composted on site; project conditioned to meet this requirement	Yes
Design Exterior	Wineries shall have an exterior design styles that is agricultural	Proposed buildings for winery use / olive use have an	Yes

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	or residential in nature.	agricultural design style	
Wineries continued (Section 22.30.070)			
Tasting room	One tasting room allowed for each winery	No wine tasting occurs on site because no wine is being produced at this time; applicant not requesting (2) wine tasting rooms	Yes
Liquid waste disposal	Winery wastewater - standards set through RWQCB Domestic wastewater - leach lines shall be located at least 100 feet from any private well	Currently the applicant does not have a discharge permit Applicant will be required to obtain all necessary permits	Yes, as conditioned

Temporary Events (Section 22.30.610)			
<u>Standard</u>	<u>Required</u>	<u>Proposed</u>	<u>In Compliance</u>
Temporary Events	Allowable on agricultural land subject to Minor Use Permit	Minor Use Permit submitted	Yes
Time Limits	Events may not occur more than 12 consecutive days; Events may not occur more than 4 consecutive weekends	25 temporary events with up to 200 people	Yes as conditioned
Located greater than 1,000 feet from land zoned single-family residence	Surrounding property zoned Agricultural	Surrounding property zoned Agricultural	Yes
Access	Provide (2) two 18 feet wide access points	Existing 18 foot wide primary access; proposing 18 to 22 foot wide secondary access; both roads connect to Vineyard Drive	Yes
Parking	400 sf per vehicle; Located on open areas with slopes of 10 % or less, free of combustible material; 200 person event would	Ample space exists around existing and proposed buildings and driveway areas.	Yes

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	require 32,000 sf		
Temporary Events continued (Section 22.30.610)			
Fire Safety	To be provided by CAL FIRE	CAL FIRE has issued Fire Safety Clearance letter	Yes as conditioned
Water and Wastewater	Facilities to be provided as required by Environmental Health	Environmental Health has reviewed; permits may be required	Yes as conditioned

Miscellaneous Ordinance Sections			
Signs (Section 22.60.060)	Maximum of 100 sf of signage; one free standing or monument	(2) 40 sf monument metal plaques fastened to pilasters; (4) 4 sf directional signage markers for a total of 96 sf	Yes
Limitation on Use / Noise (Section 22.10.120)	Hourly Leq, decibels - 50 daytime, 45 nighttime Maximum level, decibels - 70 daytime, 65 nighttime	25 temporary events per year proposed Acoustical Analysis requires mitigation to meet required standards	Yes, as conditioned
Height (Section 22.10.090)	35 feet	Less than 35 feet	Yes

PLANNING AREA STANDARDS: The Adelaida sub area standards requires all land use permit applications to provide an exterior lighting plan and that all proposed lighting be shielded. The winery ordinance also requires shielded lighting. Future lighting will be required to follow the ordinance and planning area standard requirements.

COMMUNITY ADVISORY GROUP COMMENTS: Templeton Area Advisory Group supported the request on January 16, 2014. The group's areas of concern include up-lighting of signs and trees and tree removal. Conditions have been included to address these concerns.

AGENCY REVIEW:

Public Works – Stock conditions have been applied to project per referral response dated March 14, 2014; Revised referral response dated March 24, 2014 attached (Referral Response dated November 8, 2014 was in the file and was mistakenly attached to the Mitigated Negative Declaration);

CAL FIRE – See attached Fire Safety letter dated August 26, 2014, secondary access required for events; fire sprinklers required;

Ag Commissioner- Overflow parking should be located at least 100 feet from the southern property line;

RWQCB – No comments submitted; Approval of discharge from RWQCB will be necessary;

Environmental Health – An annual permit may be required for the water supply at this facility;

Building Division – Verify that all existing structures have legally approved permits; fire sprinklers may be required regardless of what fire jurisdiction may waive.

LEGAL LOT STATUS: The lot was legally created by a recorded map at a time when that was a legal method of creating lots.

Staff report prepared by Holly Phipps and reviewed by Karen Nall.

**ATTACHMENT 1
EXHIBIT A - FINDINGS**

Environmental Determination

- A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on November 26, 2014 for this project. Mitigation measures are proposed to address aesthetics, biological resources, geology and soils, hazards/hazardous materials, public services/utilities and water/hydrology and are included as conditions of approval.

Minor Use Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 22 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the proposed expansion of the existing agricultural process facility and retail sales does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the expansion of the existing agricultural process facility and retail sales is similar to, and will not conflict with, the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on Vineyard Drive, a collector road constructed to a level able to handle any additional traffic associated with the project

Winery Modification

- G. A setback modification (Section 22.30.070.D.d.1) that requires a winery tasting room to be located no closer than 400 feet to an existing residence outside the ownership of the applicant to allow 300 feet during Phase II is justified because the project is located on a collector road. A modification is not required upon completion of Phase III (the detached tasting room would be located 486 feet from the nearest residence). Implementation of the reduced setback would not result in any significant impacts. A modification that requires a tasting room during Phase II to be located greater than 200 feet from the property line to allow 159 feet side setback is justified because the property fronts a

collector road (Vineyard Drive). Implementation of the reduced setback would not result in any significant impacts.

Design Modification

- H. A modification from the Design standards (Section 22.30.075.B.1) to allow 1,900 sf of retail sales area is justified because the applicant is increasing olive production is located on a collector road, and the use is incidental to the primary use. Implementation of the modification to the design standards would not result in any significant impacts.

Agricultural Retail Sales Setback Modification

- I. A modification from the setbacks that requires Agricultural Retail Sales (Section 22.30.057.B.4) to be located no closer than 400 feet to an existing residence outside the ownership of the applicant to allow 307 feet is justified because the project is located on Vineyard Drive, a collector road. Implementation of the reduced setback would not result in any significant impacts.

ATTACHMENT 2
EXHIBIT B - CONDITIONS OF APPROVAL

Approved Development

1. This approval authorizes the phased expansion of an existing agricultural processing facility (olive oil and wine). Construction is proposed to include demolition and replacement of an existing 6,820 square foot (sf) barn and two new buildings (2,600 sf and 3,000 sf) that will include processing areas, tasting room, retail sales, commercial kitchen, office, and storage. The project also includes a request for 25 temporary events annually with no more than 200 guests per event and to allow for the processing of off-site olives. The project will result in the disturbance of approximately 3.5 acres on a 120 acre parcel.

Phase I

- a. Construction of a 3,000 sf commercial agricultural production and storage building (for wine and/or olives);
- b. Up to 25 one day Temporary Events with no more than 200 guests (upon completion of secondary access) as defined by the Temporary Event standards in Section 22.30.60 of the Land Use Ordinance;
- c. This authorization for Temporary Events, once vested, shall remain valid for a period of 15 years from its effective date;
- d. Annual wine production of 5,000 cases and an annual production of 200 tons of olives for processing;
- e. The winery may participate in periodic industry-wide events as allowed by the Land Use Ordinance;

Phase II

- f. Demolition of an existing agricultural barn;
- g. Construction of a 6,820 sf building (Replacement Barn) to include:
 - 1) 3,091 sf processing area and storage area;
 - 2) 1,787 sf tasting room;
 - 3) 627 sf storage room;
 - 4) 1,315 sf commercial kitchen, and restrooms;
 - 5) Access, parking, and utility improvements;
 - 6) Conversion of the existing tasting room into offices upon completion of new tasting room (Phase III);

Phase III

- h. The construction of a 2,600 sf building to include:
 - 1) 1,900 sf tasting and retail room;
 - 2) 460 sf storage room;
 - 3) 140 sf office;
 - 4) 100 sf for restrooms;
 - 5) 1,540 sf outdoor terrace;
 - 6) Convert existing tasting room in barn (from Phase II) into storage;
- i. Processing of off-site olives;
- j. A waiver modification from the Design standards (Section 22.30.075.B.1) to allow 1,900 sf of retail sales area;
- k. A waiver modification from the setbacks that requires Agricultural Retail Sales (Section 22.30.057.B.4) to be located no closer than 400 feet to an existing residences outside the ownership of the applicant to allow 307 feet.

- I. A waiver setback modification (Section 22.30.070.D.d.1) that requires a winery tasting room to be located no closer than 400 feet to an existing residence outside the ownership of the applicant to allow 300 feet during Phase II. A modification is not required upon completion of Phase III (the detached tasting room would be located 486 feet from the nearest residence).

Conditions to be completed prior to issuance of a construction permit

Fees

2. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.

Biological Resources

3. **BR-1 Prior to issuance of construction and/or grading permits**, the applicant shall clearly show all oak trees within 50 feet of grading activities on the grading plans. In addition to showing the limits of grading, the grading plans shall also designate which oak trees are to be removed and which oak trees will be impacted by grading activities occurring within the root zone (one and one half times the dripline). Oak trees within 50 feet of grading activities, which are not designated for removal, shall be fenced and flagged for protection prior to permit issuance. Fencing shall be clearly shown on the grading plans to be located at the root zone for trees not designated for removal. For impacted trees, where grading activities will occur within the root zone, fencing may be placed at the limits of grading activities. Any tree removal associated with CDF/County Fire vegetative clearance/modification requirements shall also be considered on the plans.
4. **BR-2 Prior to issuance of construction and/or grading permit**, the applicant shall provide a tree replacement plan for review and approval by the Environmental Coordinator. The replacement plan shall demonstrate compliance with the following measures:
 - a. **Number of Trees** – The tree replacement plan shall provide for the replacement, in kind, of removed oak trees at a 4:1 ratio. Additionally, the tree replacement plan shall provide for the planting, in kind, at a 2:1 ratio for oak trees designated for impact but not removal.
 - i. Show replacement, in kind, of removed oaks at a 4:1 ratio (13 removed: 52 replaced) with 1 gallon saplings.
 - ii. Show replacement, in kind, of impacted oaks at a 2:1 ratio (25 impacted: 50 planted) with 1 gallon saplings.
 - iii. A total of 94 oak shall be planted, show replacement of 10 coast live oaks and 84 valley oaks.
 - b. **Location/Density** – The location shall be clearly shown on the plans. Trees shall be planted at no greater a density than the average density in the existing oak woodland area on the site. Location of newly planted trees should adhere to the following, whenever possible: on the north side of and at the canopy/dripline edge of existing mature native trees; on north-facing slopes; within drainage swales (except when riparian habitat present); where topsoil is present; and away from continuously wet areas (e.g. lawns, leach lines).
 - c. **Species** – Trees shall be of the same species of the trees proposed for impact or removal. The species shall be clearly specified on the plans.
 - d. **Size** – Replacement oak trees shall be from either vertical tubes or deep, one-gallon container sizes.
 - e. **Planting** – Replanting shall be completed as soon as it is feasible (e.g. irrigation water is available, grading done in replant area). Replant areas shall be either in native topsoil or areas where native topsoil has been reapplied. If the latter, top soil shall be

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carefully removed and stockpiled for spreading over graded areas to be replanted (set aside enough for 6-12" layer). If possible, planting during the warmest, driest months (June through September) shall be avoided. In addition, standard planting procedures (e.g., planting tablets, initial deep watering) shall be used.

- f. Maintenance – Newly planted trees shall be maintained until successfully established. This shall include protection (e.g. tree shelters, caging) from animals (e.g., deer, rodents), regular weeding of at least a three foot radius out from the planting, and adequate watering (e.g., drip-irrigation system). Hand removal of weeds shall be kept up on a regular basis at least once in late spring (April) and once in early winter (December).
- g. Irrigation/Watering – Irrigation details shall be clearly shown on the plans. Watering should be controlled so only enough is used to initially establish the tree, and reducing to zero over a three year period.

- 5. **BR-3 Prior to commencement of any tree removal**, to avoid conflicts with nesting raptors, construction activities shall not be allowed during to the nesting season (March to July), unless a county-approved, qualified biologist has surveyed the impact zone and determined that no nesting activities will be adversely impacted. At such time, if any evidence of nesting activities are found, the biologist will determine if any construction activities can occur during the nesting period and to what extent. The results of the surveys will be passed immediately to the County Environmental Division, possibly with recommendations for variable buffer zones, as needed, around individual nests. The applicant agrees to incorporate those recommendations approved by the county.

Bats

- 6. **BR-13 Prior to issuance of construction and/or grading permit for the appropriate phase**, to ensure the project does not adversely affect bats, the following measures shall be implemented:
 - a. All trees and structures will be surveyed by a qualified biologist at least one week prior to branch trimming, tree removal, demolition or maintenance to a structure. This is consistent with the measures prescribed for nesting birds. If a bat is discovered, it will be allowed to leave the area or structure on its own without further disturbance. If a day roost is discovered, exclusion methods may be employed September 1 through March 1. Exclusion methods must ensure that no bats are harmed or trapped in the process and that the biologist is present during the process. Once the bat(s) has left the work area, exclusion methods such as covering the cavity with netting or sealing it with concrete may be feasible, but will require approval and oversight by the project biologist. If a day roost is discovered, no exclusion methods shall be employed and no disturbance shall be allowed March through August.

Health Department

- 7. **Prior to issuance of a construction permit** for the appropriate phase, the applicant shall obtain the appropriate Health Department permits. The Health Department will require at a minimum the following information:
 - a. A Hazardous Materials Questionnaire.
 - b. If plan review for a cross connection determines that a device is necessary, then an annual device test shall be provided.
 - c. The applicant shall require a health permit to function as a commercial kitchen. The applicant shall submit kitchen plans for review and approval by the Environmental Health Department.
 - d. If water is made available to 25 or more employees at any one time, or to members of the public, then the applicant shall be required to have public water supply system.
 - e. The applicant shall submit a site plan showing the location of water wells and the distance from wastewater systems.

- f. **(W-1) Prior to holding any temporary events**, the applicant shall contact the Environmental Health Department to verify water supply adequacy and potability as for the proposed project. The applicant shall contact the Environmental Health Department to determine if an annual permit will be required for the water supply at this facility.

Conditions required to be completed at the time of application for construction permits

Access

8. **At the time of application for construction permits**, the applicant shall provide evidence to the Department of Planning and Building that onsite circulation and pavement structural sections have been designed and shall be constructed in conformance with Cal Fire standards and specifications back to the nearest public maintained roadway.

Drainage

9. **At the time of application for construction permits**, the applicant shall submit complete drainage plans for review and approval in accordance with Section 22.52.110 (Drainage) of the Land Use Ordinance.
10. **At the time of application for construction permits**, the applicant shall submit complete erosion and sedimentation control plan for review and approval in accordance with 22.52.120.

Site Development

11. **At the time of application for construction permits** plans submitted shall show all development consistent with the approved site plan, floor plan, architectural elevations, preliminary grading plan and landscape plan.

Services

12. **At the time of application for construction permits**, the applicant shall submit evidence that a septic system, adequate to serve the proposal, can be installed on the site.

Fire Safety

13. **At the time of application for construction permits**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Requirements shall include, but not be limited to those outlined in the Fire Safety Plan, prepared by the CAL FIRE/County Fire Department for this proposed project and dated August 26, 2014.

Agricultural

14. **AG-1 At the time of application for construction permits**, submit a revised site plan to the Department of Planning and Building for review and approval. The revised plan shall indicated the following and development shall be consistent with the revised and approved plan.
 - a. Event overflow parking shall be located at least 100 feet from the southern property line to reduce impacts to adjacent agricultural operation.

Visual

15. **V-1 At the time of application for construction permits**, submit a revised lighting plan to the Department of Planning and Building for review and approval. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored. The revised plan shall indicate the following and development shall be consistent with this revised and approved plan:
 - a. No up-lighting of any oak trees and signs.

Conditions to be completed prior to occupancy or final building inspection /establishment of the use

Access

16. **Prior to occupancy or final inspection**, the Vineyard Drive primary driveway approach shall be constructed in accordance with County Public Improvement Standard B-1e. The secondary access driveway is to be constructed to a B-1 Standard. All driveway approaches constructed on County roads shall require an encroachment permit.
17. **Prior to occupancy or final inspection**, all public improvements have been constructed or reconstructed in accordance with County Public Improvement Standards and to the satisfaction of the County Public Works Inspector.

Waste Water Discharge Permit

18. Prior to final inspection of Phase I, the applicant shall submit documentation of a Waste Water Discharge permit, or waiver for the olive processing and winery processing issued by the Regional Water Quality Control Board.

CAL FIRE

19. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection and approval from CAL FIRE of all required fire/life safety measures.

Planning and Building Inspection

20. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

Oak Trees

21. **BR-4 Once trees have been planted**, the applicant shall retain a qualified individual (e.g., landscape contractor, arborist, nurseryman, botanist) to prepare a letter stating how and when the above planting and protection measures have been completed. This letter shall be submitted to the Department of Planning and Building.
22. **BR-5 Prior to final inspections or occupancy, whichever occurs first**, replacement trees shall be installed or bonded for in compliance with the approved tree replacement plan. If bonded for, installation shall be completed within 60 days of bonding.
23. **BR-6 Prior to final inspections, or prior to release of bonding (if applicable)**, the applicant shall have completed the following as it relates to weed removal around newly planted vegetation: 1) no herbicides shall have been used; 2) either installation of a securely staked "weed mat" (covering at least a three-foot radius from center of plant), or hand removal of weeds (covering at least a 3' radius from center of plant) shall be completed for each new plant. Use of weed-free mulch (at least 3 inches deep) with regular replenishment may be substituted for the weed-mat.

On-going conditions of approval (valid for the life of the project)

Time Frames

24. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 22.64.070 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 22.64.080 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.

ATTACHMENT 7

25. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 22.74.160 of the Land Use Ordinance.

Access

26. In accordance with County Code Section 13.08, no activities associated with this permit shall be allowed to occur within the public right-of-way including, but not limited to, project signage; tree planting; fences; etc without a valid Encroachment Permit issued by the Department of Public Works.

Storm Water Control

27. **On-going condition of approval (valid for the life of the project)**, the project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and / or Phase II storm water program and the County's Storm Water Pollution Control and Discharge Ordinance, Title 8, Section 8.68 et sec.

Noise

28. **N-1** During Temporary events that include amplified music, the owners shall monitor noise levels, on an hourly basis, with a sound level meter at the property lines to ensure that the noise levels do not exceed those prescribed in the County Land Use Ordinance.
- a. Replacement Barn (doors open) – meets the County noise standards for day and nighttime events with the following mitigation:
 - i. South doors shall be closed
 - ii. North doors can remain open
 - b. Outside, North of Barn- referred to as North Outdoor Terrace – meets County noise standards for day and nighttime events with mitigation.
 - i. Sound system – speakers shall be against north facing building façade and directed to the north
 - c. Tasting Terrace – meets County daytime standards with mitigation
 - i. Orient sound system to the north.

Events

29. **N-2** The applicant shall provide notification to owners of property within a minimum of 1,000 feet of the exterior boundaries of the proposed site, through an email or letter. If a letter is used, it shall be delivered within 30 days prior to but not less than 3 days before each event occurrence. The following information shall be provided:
- a. A complete listing of all scheduled events including dates, times and number of attendees;
 - b. 24-hour contact information for the on-site operator (cell phone), including e-mail and phone number, to be used to notify the operator of issues with the operation;
 - c. Contact information for County Code Enforcement to be used if members of the public have complaints about the operation;
 - d. Any identified problems shall be responded to and addressed as soon as possible.

As an alternative to providing the annual listing of the events in a letter, a website may be used. If a web-site is used, notification shall first be provided by mail and contain the website address, the 24 hour local contact information and the approved number of events and attendee numbers. The website shall be maintained and kept current at all times.

30. Temporary Events shall start no sooner than 10 a.m. and end by 10 p.m. each day. Facility set up and clean up shall be allowed between the hours of 8 a.m. to 11 p.m. All guests of an Event shall be off the property by 10:30 p.m.

31. Temporary Events shall last no more than one day each; however, rehearsals may occur the day prior and are not considered an event.

Developmental Burning

32. The APCD prohibits developmental burning of vegetative material within San Luis Obispo County. However, under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. Any such exception must complete the following prior to any burning: APCD approval; payment of fee to APCD based on the size of the project; and issuance of a burn permit by the APCD and the local fire department authority. As a part of APCD approval, the applicant shall furnish them with the study of technical feasibility (which includes costs and other constraints) at the time of application. For any questions regarding these requirements, Karen Brooks of APCD's Enforcement Division may be contacted (805/781-5912).

Recycling

33. **On-going condition of approval (valid for the life of the project)**, the applicants shall provide recycling opportunities to all facility users at all events in accordance with Ordinance 2008-3 of the San Luis Obispo County Integrated Waste Management Authority (mandatory recycling for residential, commercial and special events).

Gate

34. Any gate constructed on a driveway where off-site grapes are delivered and/or product is exported from the site shall be setback a minimum of 75-feet from the nearest edge of traveled way of any road open to public traffic. All gates must conform to CAL FIRE requirements.

Outdoor Storage

35. Long term outdoor winery storage areas shall be screened by solid fencing or landscaping and shall not be higher than the associated solid fence screening or landscaping, unless the storage area is not visible from any public road or adjacent properties.

Pomace

36. Solid vegetable waste from the winery (pomace) and olive facility (pomace) shall be removed from the site to an approved composting/green waste facility or composted on the site and used as a soil amendment. In no case shall pomace be treated, stored, or disposed of in a manner that could result in runoff into any surface stream.
37. Any water tanks associated with the project shall be a neutral, non-contrasting color, and landscape screening shall be provided so that the water tanks are not visible from any public road.
38. **BR-7** To guarantee the success of the new trees, the applicant shall retain a qualified individual (e.g., arborist, landscape architect/ contractor, nurseryman) to monitor the new trees' survivability and vigor until the trees are successfully established, and prepare monitoring reports, **on an annual basis**, for no less than seven years. Based on the submittal of the initial planting letter, the first report shall be submitted to the County Environmental Coordinator **one year after the initial planting** and thereafter **on an annual basis** until the monitor, in consultation with the County, has determined that the initially-required vegetation is successfully established. Additional monitoring will be necessary if initially-required vegetation is not considered successfully established. The applicant, and successors-in-interest, agrees to complete any necessary remedial measures identified in the report(s) to maintain the population of initially planted vegetation and approved by the Environmental Coordinator.
39. **BR-8** The applicant recognizes that trimming of oaks can be detrimental in the following respects and agrees to minimize trimming of the remaining oaks: removal of larger lower branches should be minimized to 1) avoid making tree top heavy and more susceptible to "blow-overs", 2) reduce having larger limb cuts that take longer to heal and are much more susceptible to disease and infestation, 3) retain the wildlife that is found only in the lower branches, 4) retains shade to keep summer temperatures cooler (retains higher soil moisture, greater passive solar potential, provides better conditions for oak seedling

volunteers) and 5) retain the natural shape of the tree. Limit the amount of trimming (roots or canopy) done in anyone season as much as possible to limit tree stress/shock (10% or less is best, 25% maximum). Excessive and careless trimming not only reduces the potential life of the tree, but can also reduce property values if the tree dies prematurely or has an unnatural appearance. If trimming is necessary, the applicant agrees to either use a skilled arborist or apply accepted arborist's techniques when removing limbs. Unless a hazardous or unsafe situation exists, trimming shall be done only during the winter for deciduous species.

40. **BR-9** Smaller trees (smaller than 5 inches in diameter at four feet above the ground) within the project area are considered to be of high importance, and when possible, shall be given similar consideration as larger trees.
41. **BR-10** All oak trees identified to remain shall not be removed. Unless previously approved by the county, the following activities are not allowed within the root zone of existing or newly planted oak trees: year-round irrigation (no summer watering, unless "establishing" new tree or native compatible plant(s) for up to 3 years); grading (includes cutting and filling of material); compaction (e.g., regular use of vehicles); placement of impermeable surfaces (e.g., pavement); disturbance of soil that impacts roots (e.g., tilling).
42. **BR-11** Grading, utility trenching, compaction of soil, or placement of fill shall be avoided within the fenced areas. If grading in the root zone cannot be avoided, retaining walls shall be constructed to minimize cut and fill impacts. Care shall be taken to avoid surface roots within the top 18 inches of soil. If any roots must be removed or exposed, they shall be cleanly cut and not left exposed above the ground surface.
43. **BR-12** To minimize impacts to the sensitive oak woodland understory habitat (e.g. maritime chaparral, coastal scrub), the applicant agrees to the following during construction/ tract improvements and for the life of the project:
 - a. All native vegetation removal shall be shown on all applicable grading/ construction plans, and reviewed/ approved by the County (Planning and Building Dept.) before any work begins.
 - b. Vegetation removal of native habitat shall be limited to what is shown on the county-approved grading/construction plans.
 - c. Vegetation clearance for fire safety purposes shall be limited to the minimum setbacks required by CDF/County Fire. Where feasible, all efforts will be made to retain as much of this vegetation within the setback as possible (e.g. remove/trim only enough vegetation to create non-contiguous islands of native vegetation).

Commercial Kitchen

44. This approval does not allow the commercial kitchen to function as a restaurant (limited food service facility). The commercial kitchen is established as a secondary use to support the agricultural processing facility (olive oil and wine) and other permitted events and not function as a stand-alone restaurant where made to order meals are served.



Negative Declaration & Notice Of Determination

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING
976 OSOS STREET • ROOM 200 • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

ENVIRONMENTAL DETERMINATION NO. ED13-216

DATE: November 26, 2014

PROJECT/ENTITLEMENT: Willow Creek Minor Use Permit; DRC2013-00028

APPLICANT NAME: Pasolivo

ADDRESS: 940 South Coast Dr. Ste 260 Costa Mesa, CA 92626

CONTACT PERSON: Kirk Consulting

Telephone: 805-461-5765

PROPOSED USES/INTENT: A request by Willow Creek NewCo. LLC for a Minor Use Permit to allow for the phased expansion of an existing agricultural processing facility (olive oil and wine). Construction is proposed to include demolition and replacement of an existing 6,946 square foot (sf) barn and two new buildings (2,600 sf and 3,000 sf) that will include processing areas, tasting room, retail sales, commercial kitchen, office, and storage. The project also includes a request for 25 temporary events annually with no more than 200 guests per event and to allow for the processing of off-site olives. The applicant is requesting modifications to ordinance standards to allow adjustments to the required setbacks, and an increase to the limits of retail sales area. The project will result in the disturbance of approximately 3.5 acres on a 120 acre parcel.

LOCATION: 8530 Vineyard Dr. Templeton, CA

LEAD AGENCY: County of San Luis Obispo
Dept of Planning & Building
976 Osos Street, Rm. 200
San Luis Obispo, CA 93408-2040
Website: <http://www.sloplanning.org>

STATE CLEARINGHOUSE REVIEW: YES ☒ NO ☐

OTHER POTENTIAL PERMITTING AGENCIES: Regional Water Quality Control Board
Environmental Health

ADDITIONAL INFORMATION: Additional information pertaining to this Environmental Determination may be obtained by contacting the above Lead Agency address or (805)781-5600.

COUNTY "REQUEST FOR REVIEW" PERIOD ENDS AT 4:30 p.m. (2 wks from above DATE)

30-DAY PUBLIC REVIEW PERIOD begins at the time of public notification

Notice of Determination

State Clearinghouse No. _____

This is to advise that the San Luis Obispo County _____ as ☐ Lead Agency
☐ Responsible Agency approved/denied the above described project on _____, and
has made the following determinations regarding the above described project:

The project will not have a significant effect on the environment. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA. Mitigation measures and monitoring were made a condition of approval of the project. A Statement of Overriding Considerations was not adopted for this project. Findings were made pursuant to the provisions of CEQA.

This is to certify that the Negative Declaration with comments and responses and record of project approval is available to the General Public at the 'Lead Agency' address above.

Signature	Holly Phipps	Date	County of San Luis Obispo
	Project Manager Name		Public Agency



Initial Study Summary – Environmental Checklist

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING
976 OSOS STREET • ROOM 200 • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

(ver 5.2) Using Form

Project Title & No. Willow Creek NewCo. LLC /Minor Use Permit / ED13-216 / DRC2013-00028

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED: The proposed project could have a "Potentially Significant Impact" for at least one of the environmental factors checked below. Please refer to the attached pages for discussion on mitigation measures or project revisions to either reduce these impacts to less than significant levels or require further study.

<input checked="" type="checkbox"/> Aesthetics	<input checked="" type="checkbox"/> Geology and Soils	<input type="checkbox"/> Recreation
<input checked="" type="checkbox"/> Agricultural Resources	<input checked="" type="checkbox"/> Hazards/Hazardous Materials	<input type="checkbox"/> Transportation/Circulation
<input type="checkbox"/> Air Quality	<input checked="" type="checkbox"/> Noise	<input type="checkbox"/> Wastewater
<input checked="" type="checkbox"/> Biological Resources	<input type="checkbox"/> Population/Housing	<input checked="" type="checkbox"/> Water/Hydrology
<input type="checkbox"/> Cultural Resources	<input checked="" type="checkbox"/> Public Services/Utilities	<input type="checkbox"/> Land Use

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation, the Environmental Coordinator finds that:

- ☐ The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Holly Phipps
Prepared by (Print)

Holly Phipps
Signature

November 14, 2014
Date

Steven McMasters
Reviewed by (Print)

Steve McMasters
Signature

Ellen Carroll,
Environmental Coordinator
(for)

11-14-14
Date

Project Environmental Analysis

The County's environmental review process incorporates all of the requirements for completing the Initial Study as required by the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The Initial Study includes staff's on-site inspection of the project site and surroundings and a detailed review of the information in the file for the project. In addition, available background information is reviewed for each project. Relevant information regarding soil types and characteristics, geologic information, significant vegetation and/or wildlife resources, water availability, wastewater disposal services, existing land uses and surrounding land use categories and other information relevant to the environmental review process are evaluated for each project. Exhibit A includes the references used, as well as the agencies or groups that were contacted as a part of the Initial Study. The County Planning Department uses the checklist to summarize the results of the research accomplished during the initial environmental review of the project.

Persons, agencies or organizations interested in obtaining more information regarding the environmental review process for a project should contact the County of San Luis Obispo Planning Department, 976 Osos Street, Rm. 200, San Luis Obispo, CA, 93408-2040 or call (805) 781-5600.

A. PROJECT

DESCRIPTION: A request by Willow Creek NewCo. LLC for a Minor Use Permit to allow for the phased expansion of an existing agricultural processing facility (olive oil and wine). Construction is proposed to include demolition and replacement of an existing 6,946 square foot (sf) barn and two new buildings (2,600 sf and 3,000 sf) that will include processing areas, tasting room, retail sales, commercial kitchen, office, and storage. The project also includes a request for 25 temporary events annually with no more than 200 guests per event and to allow for the processing of off-site olives. The applicant is requesting modifications to ordinance standards to allow adjustments to the required setbacks, and an increase to the limits of retail sales area. The project will result in the disturbance of approximately 3.5 acres on a 120 acre parcel. The project will utilize portions of the existing access and infrastructure. The project is located on the east side of Vineyard Road, approximately 1 mile south of Adelaida Road (at 8530 Vineyard Drive), approximately 7.5 miles west of the community of Templeton, in the Adelaida Sub planning area of the North County Planning Area.

The project phasing includes:

Phase I

- Construction of a 3,000 sf commercial agricultural production and storage building (for olive and/or wine processing)
 - Processing of off-site olives.
- Up to 25 Temporary Events annually with no more than 200 guests with amplified music.

Phase II

- Demolition of an existing agricultural barn;
- Construction of a 6,946 sf building (Replacement Barn) to include:
 - 2,886 sf processing area/storage;
 - 1,472 sf tasting room;
 - 522 sf storage room;
 - 644 sf commercial kitchen, and restrooms;
 - Access, parking, and utility improvements;
 - Conversion of the existing tasting room into offices when the new tasting is completed.

Phase III

- The construction of a 2,600 sf building to include:
 - 1,900 sf tasting and retail room,
 - 255 sf storage room,
 - 140 sf office,
 - 100 sf for restrooms,
 - 1,540 sf outdoor terrace
 - Convert existing tasting room in barn (from Phase II) into a storage room.

Background:

The site currently has an olive processing mill (to process on-site olives) and a tasting room. The olive orchard is over 15 years old and includes a dozen varietals.

A Minor Use Permit (D990187P) authorized the construction of a 1,344 sf olive oil processing facility (for the processing of on-site olives) with a 244 sf covered porch. Retail sales of olive oil were not included as part of the approval.

A Building permit (PMT2004-03307) allowed the construction of a 1,258 sf addition to the existing olive processing facility.

A Minor Use Permit (DRC2006-00061) authorized the following:

- a. A wine processing / storage facility and a wine and olive oil tasting room to be located in an existing 2,471 sf olive oil processing and storage facility (3,775 sf total including a 1,304 sf outdoor use area).
- b. Special Events consisting of 6 annual events with up to 80 guests.
- c. Special events limited to 40 days per year.
- d. Amplified music allowed from 10 a.m. to 5 p.m. No amplified music before 10 a.m. or after 5 p.m.

The Special Event program was never vested because the required secondary access was never constructed.

Ordinance Modifications: The project includes several modifications to limitations on use and site design standards including:

1. Agricultural Retail Sales. The applicant is requesting a modification to the ordinance to allow 1,900 sf of retail sales area. Section 22.30.075.B.1 limits retail sales area to 500 sf, unless otherwise authorized by Minor Use Permit.
2. Setbacks. The applicant is requesting a modification to the ordinance to allow a setback of 300 feet to the nearest residence outside of the ownership of the applicant (Phase II). Section 22.30.075.B.4. states Agricultural Retail Sales shall be located no closer than 400 feet to an existing residence outside the ownership of the applicant. If not possible to maintain 400 feet from a residence outside the ownership of the applicant, the setback can be modified through a Minor Use Permit.
3. Winery Setbacks. The applicant requests a setback modification (Section 22.30.070.D.2.d.1) of the minimum 200 foot setback to property line requirement to allow 159 feet (side setback).

The applicant is requesting a setback modification that requires a winery tasting room to be located no closer than 400 feet to an existing residence outside the ownership of the applicant to allow 300 feet during Phase II. A modification is not required upon completion of Phase III (the detached tasting room would be located 486 feet from the nearest residence).

These setbacks can be modified through Minor Use Permit approval when a Conditional Use Permit is not otherwise required. Approval may be granted only after the Review Authority first determines that the request satisfies any of the following findings: (1) there is no feasible way to meet the required setbacks without creating environmental impacts or impacting prime agricultural land (SCS Class I, II and III); (2) the property fronts an arterial or collector street; (3) the setbacks are not practical or feasible due to existing topographic conditions or existing on-site vegetation or (4) is a legally constructed existing structure that was built prior to 1980 and it can be clearly demonstrated that the structure was intended for a legitimate agricultural or residential use. The proposed project meets number (2) because the project fronts a collector road, Vineyard Drive.

4. Temporary Events. The applicant is requesting 25 temporary events be held on-site per year and is requesting that the event program run in perpetuity with the land.

On October 6, 2009, the Board of Supervisors adopted a resolution interpreting the Temporary Events Ordinance (Section 22.30.610 of the Land Use Ordinance). The Board of Supervisors concluded that, while a Minor Use Permit can authorize multiple events, the life of the Minor Use Permit shall be defined as part of the approval. This means that temporary events may not be authorized in perpetuity through the granting of a single Minor Use Permit.

The Board of Supervisors did not establish criteria for how long the Minor Use Permit should be in effect. Instead, this decision has been made on a case-by-case basis by the Review Authority. Previous projects have received approval for a period of between 5 and 20 years.

ASSESSOR PARCEL NUMBER(S): 014-331-073

Latitude: 35 degrees 37' 15" N Longitude: 120 degrees 50' 58" W

SUPERVISORIAL DISTRICT # 1

B. EXISTING SETTING

PLANNING AREA: North County Planning Area, Adelaida Sub Area **TOPOGRAPHY:** Gently to Moderately sloping

LAND USE CATEGORY: Agriculture **VEGETATION:** Olives, oak trees

COMBINING DESIGNATION(S): None **PARCEL SIZE:** 120 acres

EXISTING USES: Agriculture processing uses, dry farm olives, three residences (Foreman house built in 1900 to be demolished), existing 3,100 sf mill; existing old barn to be demolished.

SURROUNDING LAND USE CATEGORIES AND USES:

<i>North:</i> Agriculture; agricultural uses, residence	<i>East:</i> Agriculture; agricultural uses, residence
<i>South:</i> Agriculture; agricultural uses, residence	<i>West:</i> Agriculture; agricultural uses, residence

C. ENVIRONMENTAL ANALYSIS

During the Initial Study process, at least one issue was identified as having a potentially significant environmental effects (see following Initial Study). Those potentially significant items associated with the proposed uses can be minimized to less than significant levels.





COUNTY OF SAN LUIS OBISPO INITIAL STUDY CHECKLIST

1. AESTHETICS

Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Create an aesthetically incompatible site open to public view?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Introduce a use within a scenic view open to public view?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) <i>Change the visual character of an area?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Create glare or night lighting, which may affect surrounding areas?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) <i>Impact unique geological or physical features?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) <i>Other: _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting. The proposed project is located on Vineyard Drive, approximately 7 miles west of Highway 46. The surrounding area is dominated by vineyards, winery facilities, agricultural accessory uses, and single-family residences. The topography of the area consists of gently rolling to steeply sloping hills. The project will not silhouette against any ridgelines as viewed from public roadways. The project is considered compatible with the surrounding uses.

The existing olive mill and tasting room is located at the interior of the lot and is not visible from Vineyard Drive. The area proposed for additional development is located adjacent to the existing processing and tasting room.

Impact. The new tasting room building will be located near the foreman's residence, to the north of the replacement barn (part of Phase I). There is an outdoor wooden terrace proposed to be located in the location of the old foreman's residence. The tasting room building will be screened with existing oaks. The applicant submitted a landscape plan to provide screening of structures.

The applicant has proposed up-lighting of the some oak trees onsite and occasional down shielded lighting is proposed along the access and on small bollards along the pathways. The project was reviewed on January 17, 2014 by Templeton Area Advisory Group. The up-lighting of oak trees and lighting of any signs were not supported. The applicant agreed to not to up-light any oak trees or signs.

Standard county regulations require shielding of exterior lighting to minimize glare. Based on the location, size, and design, the project is considered compatible with the surrounding area. As required by the ordinance, the project will be conditioned for an exterior lighting plan to ensure that the project does not create off-site glare as viewed from Vineyard Drive. The proposed landscape plan will provide additional screening as viewed from Vineyard Drive.

Mitigation/Conclusion. The applicant shall comply with existing county regulations regarding shielding exterior lighting. Additionally, the applicant shall submit a revised lighting plan to omit any up-lighting of oak trees. Based on implementation of these measures, potential visual impacts would be less than significant.



2. AGRICULTURAL RESOURCES*Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Convert prime agricultural land, per NRCS soil classification, to non-agricultural use?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Impair agricultural use of other property or result in conversion to other uses?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) <i>Conflict with existing zoning for agricultural use, or Williamson Act program?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting. Project Elements. The following area-specific elements relate to the property's importance for agricultural production:

Land Use Category: Agriculture

Historic/Existing Commercial Crops: Yes, Olive

State Classification: Not prime farmland, Prime Farmland if irrigated

In Agricultural Preserve? Yes, Adelaida

Under Williamson Act contract? Yes

The soil type(s) and characteristics on the subject property include:

Linne-Calodo complex (9 - 30 % slope).

Linne. This moderately sloping soil is considered not well drained. The soil has moderate erodibility and moderate shrink-swell characteristics, as well as having potential septic system constraints due to: steep slopes, shallow depth to bedrock, slow percolation. The soil is considered Class IV without irrigation and Class IV when irrigated.

Calodo. This moderately sloping soil is considered not well drained. The soil has moderate erodibility and moderate shrink-swell characteristics, as well as having potential septic system constraints due to: steep slopes, shallow depth to bedrock, slow percolation. The soil is considered Class IV without irrigation and Class IV when irrigated.

Linne-Calodo complex (30 - 50 % slope).

Linne. This steeply sloping soil is considered not well drained. The soil has moderate erodibility and moderate shrink-swell characteristics, as well as having potential septic system constraints due to: steep slopes, shallow depth to bedrock, slow percolation. The soil is considered Class VI without irrigation and Class is not rated when irrigated.

Calodo. This steeply sloping soil is considered not well drained. The soil has moderate erodibility and moderate shrink-swell characteristics, as well as having potential septic system constraints due to: steep slopes, shallow depth to bedrock, slow percolation. The soil is considered Class VI without irrigation and Class is not rated when irrigated.



Rincon clay loam (2 - 9% slope). This gently sloping, fine loamy bottom soil is considered not well drained. The soil has moderate erodibility and moderate shrink-swell characteristics, as well as having potential septic system constraints due to: slow percolation. The soil is considered Class IV without irrigation and Class II when irrigated.

Still clay loam (2 - 9% slope). This gently sloping soil is considered moderately drained. The soil has moderate erodibility and moderate shrink-swell characteristics, as well as having potential septic system constraints due to: slow percolation. The soil is considered Class IV without irrigation and Class II when irrigated.

The surrounding area is dominated by vineyards, winery facilities, agricultural accessory uses, and single-family residences. The topography of the area consists of gently rolling to moderately sloping hills. The subject project is approximately 120 acres and contains a 45 acre olive orchard.

Impact. The project proposes an expansion of an existing agricultural processing facility and tasting room; the addition of a Temporary Events program for up to 25 events with a maximum of 200 attendees. The proposed project will have less than significant impacts to agricultural resources or operations with the incorporation of the following mitigation measure, (see referral response dated September 8, 2014).

- Any overflow parking should be located at least 100 feet from the southern property line to reduce impacts to adjacent agricultural operation.

The project was reviewed for consistency with the Agriculture and Open Space Element and found to be consistent.

Mitigation/Conclusion. Based on implementation of the above measure, potential agricultural impacts would be less than significant.

3. AIR QUALITY

Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Violate any state or federal ambient air quality standard, or exceed air quality emission thresholds as established by County Air Pollution Control District?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Expose any sensitive receptor to substantial air pollutant concentrations?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create or subject individuals to objectionable odors?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Be inconsistent with the District's Clean Air Plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

3. AIR QUALITY*Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
e) <i>Result in a cumulatively considerable net increase of any criteria pollutant either considered in non-attainment under applicable state or federal ambient air quality standards that are due to increased energy use or traffic generation, or intensified land use change?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
GREENHOUSE GASES				
f) <i>Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting. The Air Pollution Control District (APCD) has developed and updated their CEQA Air Quality Handbook (2012) to evaluate project specific impacts and help determine if air quality mitigation measures are needed, or if potentially significant impacts could result. To evaluate long-term emissions, cumulative effects, and establish countywide programs to reach acceptable air quality levels, a Clean Air Plan has been adopted (prepared by APCD).

Greenhouse Gas (GHG) Emissions are said to result in an increase in the earth's average surface temperature. This is commonly referred to as global warming. The rise in global temperature is associated with long-term changes in precipitation, temperature, wind patterns, and other elements of the earth's climate system. This is also known as climate change. These changes are now thought to be broadly attributed to GHG emissions, particularly those emissions that result from the human production and use of fossil fuels.

The passage of AB32, the California Global Warming Solutions Act (2006), recognized the need to reduce GHG emissions and set the greenhouse gas emissions reduction goal for the State of California into law. The law required that by 2020, State emissions must be reduced to 1990 levels. This is to be accomplished by reducing greenhouse gas emissions from significant sources via regulation, market mechanisms, and other actions. Subsequent legislation (e.g., SB97-Greenhouse Gas Emissions bill) directed the California Air Resources Board (CARB) to develop statewide thresholds.

In March 2012, the San Luis Obispo County Air Pollution Control District (APCD) approved thresholds for GHG emission impacts, and these thresholds have been incorporated the APCD's CEQA Air Quality Handbook. APCD determined that a tiered process for residential / commercial land use projects was the most appropriate and effective approach for assessing the GHG emission impacts. The tiered approach includes three methods, any of which can be used for any given project:

1. Qualitative GHG Reduction Strategies (e.g. Climate Action Plans): A qualitative threshold that

is consistent with AB 32 Scoping Plan measures and goals; or,

2. Bright-Line Threshold: Numerical value to determine the significance of a project's annual GHG emissions; or,
3. Efficiency-Based Threshold: Assesses the GHG impacts of a project on an emissions per capita basis.

For most projects the Bright-Line Threshold of 1,150 Metric Tons CO₂/year (MT CO₂e/yr) will be the most applicable threshold. In addition to the residential/commercial threshold options proposed above, a bright-line numerical value threshold of 10,000 MT CO₂e/yr was adopted for stationary source (industrial) projects.

It should be noted that projects that generate less than the above mentioned thresholds will also participate in emission reductions because air emissions, including GHGs, are under the purview of the California Air Resources Board (or other regulatory agencies) and will be "regulated" either by CARB, the Federal Government, or other entities. For example, new vehicles will be subject to increased fuel economy standards and emission reductions, large and small appliances will be subject to more strict emissions standards, and energy delivered to consumers will increasingly come from renewable sources. Other programs that are intended to reduce the overall GHG emissions include Low Carbon Fuel Standards, Renewable Portfolio standards and the Clean Car standards. As a result, even the emissions that result from projects that produce fewer emissions than the threshold will be subject to emission reductions.

Under CEQA, an individual project's GHG emissions will generally not result in direct significant impacts. This is because the climate change issue is global in nature. However, an individual project could be found to contribute to a potentially significant cumulative impact. Projects that have GHG emissions above the noted thresholds may be considered cumulatively considerable and require mitigation.

Impact. As proposed, the project will result in the disturbance of approximately 3.5 acres. This will result in the creation of construction dust, as well as short- and long-term vehicle emissions. The project will be moving less than 1,200 cubic yards/day of material and will disturb less than four acres of area, and therefore will be below the general thresholds triggering construction-related mitigation. The project is also not in close proximity to sensitive receptors that might otherwise result in nuisance complaints and be subject to limited dust and/or emission control measures during construction.

From an operational standpoint, based on Table 1-1 of the CEQA Air Quality Handbook (2012), the project will not exceed operational thresholds triggering mitigation. The project is consistent with the general level of development anticipated and projected in the Clean Air Plan. No significant air quality impacts are expected to occur.

This project is a Minor Use Permit. Using the GHG threshold information described in the Setting section, the project is expected to generate less than the Bright-Line Threshold of 1,150 metric tons of GHG emissions. Therefore, the project's potential direct and cumulative GHG emissions are found to be less significant and less than a cumulatively considerable contribution to GHG emissions. Section 15064(h)(2) of the CEQA Guidelines provide guidance on how to evaluate cumulative impacts. If it is shown that an incremental contribution to a cumulative impact, such as global climate change, is not 'cumulatively considerable', no mitigation is required. Because this project's emissions fall under the threshold, no mitigation is required. The project proposes to disturb soils that have been given a wind erodibility rating of null and 6, which is considered "moderately high".

Mitigation/Conclusion. No significant air quality impacts were identified, and no mitigation measures above what are already required by ordinance are necessary.

4. BIOLOGICAL RESOURCES*Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in a loss of unique or special status species* or their habitats?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Reduce the extent, diversity or quality of native or other important vegetation?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <i>Impact wetland or riparian habitat?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Interfere with the movement of resident or migratory fish or wildlife species, or factors, which could hinder the normal activities of wildlife?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) <i>Conflict with any regional plans or policies to protect sensitive species, or regulations of the California Department of Fish & Wildlife or U.S. Fish & Wildlife Service?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

* Species – as defined in Section 15380 of the CEQA Guidelines, which includes all plant and wildlife species that fall under the category of rare, threatened or endangered, as described in this section.

Setting. The following are existing elements on or near the proposed project relating to potential biological concerns:

On-site Vegetation: Oak trees; agricultural uses, olive (approximately 40 percent of property planted in olives);

Name and distance from blue line creek(s): Unnamed Creek is runs through the eastern section of the project site.

Site's tree canopy coverage: Approximately 30%.

The Natural Diversity Database (or other biological references) identified the following species potentially existing within approximately one mile of the proposed project:

Vegetation

No CNDDDB species found within a one mile search radius.

Wildlife

No CNDDDB species found within a one mile search radius.

Habitat

No CNDDDB habitats found within a one mile search radius.

The topography of the area consists of gently rolling to moderately sloping hills. Most of the proposed activities of the project would occur within the 2.8-acre existing development, and all other impacts would occur adjacent to existing roads and developed areas. A large portion of the property consists of an olive orchard that is actively maintained and a mixed oak woodland. The mixed oak woodland on the property consists mostly of coast live oak trees with scattered valley oak trees present on the flatter topography. The extent of the mixed oak woodland mapped around the developed part of the site does not represent classic oak woodland since the understory is developed with the olive oil

facility and associated improvements.

Impact. The proposed project will result 3.5 acres of site disturbance. The project will utilize portions of the existing access and infrastructure. The project proposes an expansion of an existing agricultural processing (olive and wine) and tasting room facility as well as up to 25 Temporary events with no more than 200 attendees.

No special status species were noted on the site. Impacts to special status species are considered less than significant.

This project is expected to result in the removal of 13 oak trees and disturbance in the root zone of an additional 25 oak trees. Loss of oak trees due to removal and/or harm from disturbance in the root zone could potentially degrade the quality of the overall oak tree habitat.

Nesting Birds and Bats. The large oak trees and adjacent annual grassland habitat, and any shrubs present on site could provide nesting opportunities for various bird and bat species, including special status species and species protected by the Migratory Bird Treaty Act. In addition, removal of structures such as the barn could potentially affect roosting bats.

Mitigation/Conclusion. The oak tree removal plan calls for the following requirements be shown on all construction plans:

- Show replacement, in kind, of removed oaks at a 4:1 ratio (13 removed: 52 replaced) with 1 gallon saplings.
- Show replacement, in kind, of impacted oaks at a 2:1 ratio (25 impacted: 50 planted) with 1 gallon saplings.
- A total of 102 oak shall be planted, show replacement of 10 coast live oaks and 92 valley oaks.
- Designate the location, size, and species of the replacement plants on the plans. Planting density is to be similar to the density of existing trees on the site.
- Show irrigation details for planted trees.
- Discuss maintenance details, including watering routines, weeding procedures, etc.
- Show weed matting and deer fencing details for replacement trees.
- Show the location of fencing for trees not to be removed. Impacted trees are to be fenced at the root zone and/or limits of grading. Trees not identified for impact or removal are to be fenced at the root zone (1.5 times the dripline area).
- Oak tree survival to be monitored to ensure planting success.

The applicant shall be required to implement the above mentioned oak tree mitigation measures, as specified in Exhibit B-Mitigation Summary Table.

To avoid conflicts with nesting raptors, construction activities shall not be allowed during to the nesting season (March to July), unless a county-approved, qualified biologist has surveyed the impact zone and determined that no nesting activities will be adversely impacted. All trees and structures will be surveyed by a qualified biologist at least one week prior to branch trimming, tree removal, demolition or maintenance to a structure. This is consistent with the measures prescribed for nesting birds. If a bat is discovered, it will be allowed to leave the area or structure on its own without further disturbance. If a day roost is discovered, exclusion methods may be employed September 1 through March 1.

The implementation of the above summarized measures will avoid and mitigate biological resource impacts to less than significant levels. A detailed description of the required mitigation measures are listed in Exhibit B - Mitigation Summary Table.

Mitigation measures are outlined in further detail in Exhibit B. With the incorporation of these measures, impacts upon biological resources will be reduced to a less than significant level.

5. CULTURAL RESOURCES

Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Disturb archaeological resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Disturb historical resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Disturb paleontological resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting. The project is located in an area historically occupied by the Obispeno Chumash and Salinan. No historic structures are present and no paleontological resources are known to exist in the area.

No previous cultural surveys were found for the subject property. No archaeological reports have been prepared within ¼ mile of the subject property. The project site is not within 300 feet of a perennial water body. There is a blue line creek located approximately 1,900 feet west of the project site. Potential for the presence or regular activities of the Native American increases in close proximity to reliable water sources.

A Phase I Archeological Survey and Historical Assessment were conducted by LSA Associates September 2013. The results of the study indicate that no prehistoric cultural resources or human remains were identified in the project area. The study identified 4 built structures 50 years old and older in the project area: a single family residential building built circa 1900; a livestock barn, built circa 1925; the remains of a former granary, built circa 1925; and a water system feature consisting of a small well system (now filled), circa 1950.

The buildings and features were evaluated to determine if they were historically significant. Based on the background research and field observation, LSA concluded that these buildings and features were not eligible for inclusion in the California Register, either collectively or individually.

Impact. No evidence of cultural materials was noted on the property. Impacts to historical or paleontological resources are not expected.

Mitigation/Conclusion. No significant cultural resource impacts are expected to occur, and no mitigation measures are necessary.



6. GEOLOGY AND SOILS*Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in exposure to or production of unstable earth conditions, such as landslides, earthquakes, liquefaction, ground failure, land subsidence or other similar hazards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Be within a California Geological Survey "Alquist-Priolo" Earthquake Fault Zone", or other known fault zones*?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Result in soil erosion, topographic changes, loss of topsoil or unstable soil conditions from project-related improvements, such as vegetation removal, grading, excavation, or fill?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) <i>Include structures located on expansive soils?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Be inconsistent with the goals and policies of the County's Safety Element relating to Geologic and Seismic Hazards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Preclude the future extraction of valuable mineral resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Other: _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

* Per Division of Mines and Geology Special Publication #42

Setting. The following relates to the project's geologic aspects or conditions:

Topography: Gently to moderately sloping

Within County's Geologic Study Area?: No

Landslide Risk Potential: Low to high

Liquefaction Potential: Low to Moderate

Nearby potentially active faults?: No Distance? Not applicable

Area known to contain serpentine or ultramafic rock or soils?: No

Shrink/Swell potential of soil: Moderate

Other notable geologic features? None

The project is not within the Geologic Study area designation and is not within a high liquefaction area. The project is located within a high landslide area and is subject to the preparation of a geological report per the County's Land Use Ordinance [LUO section 22.14.070 (c)] to evaluate the area's geological stability. A geological report was conducted for the project (Landslide Screening Evaluation; Geosolutions, April 22, 2014)) and was reviewed by the County Geologist (Brian



Papurello, May 20, 2014).

A sedimentation and erosion control plan is required for all construction and grading projects (LUO Sec. 22.52.120) to minimize these impacts. When required, the plan is prepared by a civil engineer to address both temporary and long-term sedimentation and erosion impacts.

Impact. As proposed, the project will result in the disturbance of approximately 3.5 acres of disturbance on a 120 acre parcel. Landsliding susceptibility for the project site has been adequately characterized in general accordance with CGS SP-117A and the San Luis Obispo County Guidelines for Engineering Geology Reports. The potential for landsliding for the project site is low. No further investigation is required for CEQA and LUO compliance (Brian Papurello, May 20, 2014).

Mitigation/Conclusion. Pursuant to County Ordinances, the applicant will be required to prepare, an Erosion and Sedimentation Control Plan and Drainage Plan. All Erosion and Sedimentation Control Plans shall be accompanied with a complete Stormwater Quality Plan and Best Management Practices shall be in compliance with the Low Impact Development Handbook. Implementation of ordinance requirements will mitigate potential geologic and soils impacts to less than significant, and no additional mitigation measures are necessary.

7. HAZARDS & HAZARDOUS MATERIALS - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Create a hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼-mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on, or adjacent to, a site which is included on a list of hazardous material/waste sites compiled pursuant to Gov't Code 65962.5 ("Cortese List"), and result in an adverse public health condition?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Impair implementation or physically interfere with an adopted emergency response or evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

7. HAZARDS & HAZARDOUS MATERIALS - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
f) <i>If within the Airport Review designation, or near a private airstrip, result in a safety hazard for people residing or working in the project area?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) <i>Increase fire hazard risk or expose people or structures to high wildland fire hazard conditions?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h) <i>Be within a 'very high' fire hazard severity zone?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) <i>Be within an area classified as a 'state responsibility' area as defined by CalFire?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting. The proposed project is not found on the 'Cortese List' (which is a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5). With regards to potential fire hazards, the subject project is within the high Fire Hazard Severity Zone(s). Based on the County's fire response time map, it will take approximately 20 minutes to respond to a call regarding fire or life safety. Refer to the Public Services section for further discussion on Fire Safety impacts.

Impact. The project does not propose the use of hazardous materials or the generation of hazardous wastes. The project does not present a significant fire safety risk. The project is not expected to conflict with any regional emergency response or evacuation plan.

The proposed project was referred to CAL FIRE for review. This project has an extended fire engine response time of approximately 20 minutes from the nearest County fire station. The cumulative effects of large scale events and increased commercial operations within areas such as this continue to place challenges upon CAL FIRE/County Fire's ability to provide efficient emergency services within rural areas.

As stated by CAL FIRE (Clint Bullard, August 26, 2014) commercial fire suppression system water storage tanks must be steel and located a minimum of 20 feet from structures. The applicant is required to comply with the California Fire Code, California Building Code, the Public Resources Code, and any other applicable fire laws. The proposed secondary access road was approved by CAL FIRE/County Fire during and onsite consultation with Kirk Consulting representatives in October 2013.

Per the Temporary Event Ordinance, Section 22.30.610 of the County Land Use Ordinance, events shall be required to provide two unobstructed access points from the event site to a publicly maintained road and event parking shall be at a minimum of an open area with a slope of 10 percent or less, at a ratio of 400 square feet per car, on a lot free of combustible material. There is adequate space located around the winery for special event parking.

Mitigation/Conclusion. With the implementation of the Fire Safety Plan required by ordinance, no significant impacts as a result of hazards or hazardous materials are anticipated, and no additional measures are necessary.

8. NOISE*Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Expose people to noise levels that exceed the County Noise Element thresholds?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Generate permanent increases in the ambient noise levels in the project vicinity?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Cause a temporary or periodic increase in ambient noise in the project vicinity?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) <i>Expose people to severe noise or vibration?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) <i>If located within the Airport Review designation or adjacent to a private airstrip, expose people residing or working in the project area to severe noise levels?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) <i>Other: _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting. The project is not within close proximity of loud noise sources, and will not conflict with any sensitive noise receptors (e.g., residences). Based on the Noise Element's projected future noise generation from known stationary and vehicle-generated noise sources, the project is within an acceptable threshold area.

An Acoustical Analysis for the Pasolivo Events was conducted on July 5, 2013 by David Dubbink Associates. The central focal point for events is a new barn that will replace the existing barn. Events may also be held near the proposed new tasting room. Temporary Events are governed by Section 22.10.610 of the County's Land Use Ordinance. This section does not include explicit standards limiting the noise produced during events that are not winery sponsored events. Therefore, non-winery special events are covered under LUO's general standards for noise production. The noise study looked at events at different locations: within the barn with the doors closed and open, events on the south side terrace, on north side terrace, and at the new tasting room.

Impact. The noise study concluded that events enclosed within the new barn will not exceed County standards. Daytime events near the north terrace and new tasting room are possible, but will require some combination of mitigation. Events on the south terrace pose the most concerns. The terrace is appropriate for events that don't involve amplified voice or music. There are concerns for noise within the barn with the doors open and mitigation is also suggested (Dubbink, July 2013).

Summary:

Replacement Barn (doors closed) – meets the County noise standards for day and nighttime events;

Replacement Barn (doors open) – meets the County noise standards for day and nighttime events with mitigation:

- South doors shall be closed,
- North doors can remain open;

Outside, and north of Barn- referred to as North Outdoor Terrace – meets County noise standards for day and nighttime events with mitigation:

- Sound system – speakers shall be against north facing building façade and directed to the north;

Tasting Terrace – meets County daytime standards with mitigation,

- Orient sound system to the north.

Mitigation/Conclusion. During temporary events with amplified music, the speakers shall be oriented as describe in the Acoustical Analysis above and the applicant shall monitor noise levels, on an hourly basis, with a sound level meter at the property lines to ensure that the noise levels do not exceed those prescribed in the County Land Use Ordinance.

As conditioned, the project will not result in significant exposure of persons to or generation of noise levels in excess of standards established in the county's Noise Ordinance. The project will not create a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the propose project.

Construction activities would create a temporary increase in ambient noise levels in the project vicinity above levels existing without the proposed project. However, the County's Noise Ordinance permits the noise from construction activities as long as it is limited to the hours of 7 AM to 9 PM weekdays and 8 AM to 5 PM weekends. With this condition met, the project will have less than a significant noise impact.

9. POPULATION/HOUSING

Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Induce substantial growth in an area either directly (e.g., construct new homes or businesses) or indirectly (e.g., extension of major infrastructure)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Displace existing housing or people, requiring construction of replacement housing elsewhere?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create the need for substantial new housing in the area?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) <i>Other: _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting In its efforts to provide for affordable housing, the county currently administers the Home Investment Partnerships (HOME) Program and the Community Development Block Grant (CDBG) program, which provides limited financing to projects relating to affordable housing throughout the county. The County's Inclusionary Housing Ordinance requires provision of new affordable housing in

conjunction with both residential and nonresidential development and subdivisions.

Impact. The project will not result in a need for a significant amount of new housing, and will not displace existing housing.

Mitigation/Conclusion. No significant population and housing impacts are anticipated. The project will mitigate its cumulative impact to the shortage of affordable housing stock by providing affordable housing unit(s) either on-site and/or by payment of the in-lieu fee (residential projects), or housing impact fee (commercial projects). No mitigation measures are necessary.

10. PUBLIC SERVICES/UTILITIES

Will the project have an effect upon, or result in the need for new or altered public services in any of the following areas:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Fire protection?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Police protection (e.g., Sheriff, CHP)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Roads?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Solid Wastes?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting. The project area is served by the following public services/facilities:

Police: County Sheriff

Location: Templeton (Approximately 8 miles to the Southeast)

Fire: Cal Fire (formerly CDF)

Hazard Severity: High

Response Time: 15-20 minutes

Location: Approximately 4.7 miles to the Northwest

School District: Templeton Unified School District.

For additional information regarding fire hazard impacts, go to the 'Hazards and Hazardous Materials' section

Impact. No significant project-specific impacts to utilities or public services were identified. This project, along with others in the area, will have a cumulative effect on police/sheriff, fire protection, and schools. The project's direct and cumulative impacts are within the general assumptions of allowed use for the subject property that was used to estimate the fees in place.

Mitigation/Conclusion. Regarding cumulative effects, public facility (County) and school (State Government Code 65995 et seq.) fee programs have been adopted to address this impact, and will reduce the cumulative impacts to less than significant levels.

11. RECREATION*Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Increase the use or demand for parks or other recreation opportunities?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Affect the access to trails, parks or other recreation opportunities?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting. The County's Parks and Recreation Element does not show that a potential trail goes through the proposed project. The project is not proposed in a location that will affect any trail, park, recreational resource, coastal access, and/or Natural Area.

Impact. The proposed project will not create a significant need for additional park, Natural Area, and/or recreational resources.

Mitigation/Conclusion. No significant recreation impacts are anticipated, and no mitigation measures are necessary.

12. TRANSPORTATION/CIRCULATION*Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Increase vehicle trips to local or areawide circulation system?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Reduce existing "Level of Service" on public roadway(s)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create unsafe conditions on public roadways (e.g., limited access, design features, sight distance, slow vehicles)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Provide for adequate emergency access?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Conflict with an established measure of effectiveness for the performance of the circulation system considering all modes of transportation (e.g. LOS, mass transit, etc.)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Conflict with an applicable congestion management program?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

12. TRANSPORTATION/CIRCULATION*Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
h) Result in a change in air traffic patterns that may result in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting. The applicant proposes to continue to utilize the existing primary entrance for visitor and production (as previously permitted). The existing access will be limited to ingress and will essentially be a one way circulation until it meets the new tasting room and barn area. At this point it either diverts off to a two way circulation back to the processing/overflow parking area, or branches back to Vineyard Drive to the exit. Access locations were examined by a traffic engineer and input was implemented into the project site design.

The County has established the acceptable Level of Service (LOS) on roads in rural area as "C" or better. The existing road network in the area Vineyard Drive (a collector road) is operating at acceptable levels.

Referrals were sent to County Public Works. No comments were submitted by Caltrans. Public Works recommends (Frank Honeycutt, November 8, 2013) all driveways and gates constructed on a driveway shall be constructed in accordance to County Public Improvement Standards and per Resolution 2008-152. CAL FIRE approved the secondary access road during an onsite consultation with the agent in October 2013 (see CAL FIRE Referral Response dated August 16, 2014, Clint Bullard).

Impact. The proposed project is estimated to generate about 80 peak hour trips.

The project is estimated to harvest 100 tons of olives from onsite olives. It is estimated, upon completion of Phase I (construction of a 3,000 sf commercial ag storage processing building, off-site fruit could double production. Off-site trips would be made in the fall during harvest which lasts up to 10 weeks. They could average an additional 1- 2 trips a day during this timeframe.

This small amount of additional traffic will not result in a significant change to the existing road service or traffic safety levels. The project does not conflict with adopted policies, plans and programs on transportation.

Mitigation/Conclusion. No significant traffic impacts were identified, and no mitigation measures above what are already required by ordinance are necessary.

13. WASTEWATER*Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Violate waste discharge requirements or Central Coast Basin Plan criteria for wastewater systems?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Change the quality of surface or ground water (e.g., nitrogen-loading, day-lighting)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>



13. WASTEWATER*Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
c) <i>Adversely affect community wastewater service provider?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting. The project proposes to use on-site systems, as its means to dispose of wastewater. The olive processing and winery will use two wastewater systems, one for domestic waste and one for process waste. For domestic waste, the leach lines shall be located at least 100 feet from any private well and at least 200 feet from any community/public well. Based on the proposed project, adequate area appears available for an on-site system. To achieve compliance with the Central Coast Basin Plan, additional information will be needed prior to issuance of a building permit that can show that the leach area can adequately percolate to achieve this threshold.

The proposed project will be conditioned to provide from the Regional Water Quality Control Board (RWQCB) a waste discharge permit or an exemption for liquid waste disposal (the process waste). The RWQCB will conduct final review and approval of the winery wastewater disposal system and the olive wastewater disposal system.

Impact. Currently the applicant has an estimated 100 ton production yields with 167 tons of waste water for olive production. This translates to 1 ton = 239.65 gallons, so 40,021 gallons annually. So a daily assumption would be 109 gallons per day. At buildout, it is estimated that a 200 ton production yield would result in 218 gallons per day.

Prior to building permit issuance and/or final inspection of the wastewater system, the applicant will need to show to the county compliance with the County Plumbing Code / Central Coast Basin Plan, including any above-discussed information relating to potential constraints. Therefore, based on the project being able to comply with these regulations, potential groundwater quality impacts are considered less than significant.

Mitigation/Conclusion. Prior to building permit issuance, the standard septic systems will be evaluated in greater detail to insure compliance with the Central Coast Basin Plan for any constraints listed above, and will not be approved if Basin Plan criteria cannot be met. The proposed wastewater treatment will require a waste discharge permit or exemption permit from the Regional Water Quality Control Board prior to construction. Based on compliance with existing regulations and requirements, potential wastewater impacts would be less than significant.

14. WATER & HYDROLOGY*Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
QUALITY				
a) <i>Violate any water quality standards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Discharge into surface waters or otherwise alter surface water quality (e.g., turbidity, sediment, temperature, dissolved oxygen, etc.)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

14. WATER & HYDROLOGY*Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
c) <i>Change the quality of groundwater (e.g., saltwater intrusion, nitrogen-loading, etc.)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide additional sources of polluted runoff?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Change rates of soil absorption, or amount or direction of surface runoff?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) <i>Change the drainage patterns where substantial on- or off-site sedimentation/ erosion or flooding may occur?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Involve activities within the 100-year flood zone?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
QUANTITY				
h) <i>Change the quantity or movement of available surface or ground water?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) <i>Adversely affect community water service provider?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) <i>Expose people to a risk of loss, injury or death involving flooding (e.g., dam failure, etc.), or inundation by seiche, tsunami or mudflow?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
k) <i>Other: _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting. The project proposes to obtain its water needs from an on-site well.. The Environmental Health Division has reviewed the project for water availability and has determined that there is preliminary evidence that there will be sufficient water available to serve the proposed project. Based on available information, the proposed water source is not known to have any significant availability or quality problems.

The topography of the project is gently sloping to moderately sloping. The closest creek from the proposed development is within the project boundaries. As described in the NRCS Soil Survey, the soil surface is considered to have moderate erodibility.

'The subject property is not within a defined groundwater basin.' Projects involving more than one acre of disturbance are subject to preparing a Storm Water Pollution Prevention Plan (SWPPP) to minimize on-site sedimentation and erosion. When work is done in the rainy season, the County's Land Use Ordinance requires that temporary erosion and sedimentation measures to be installed.

DRAINAGE – The following relates to the project's drainage aspects:



Within the 100-year Flood Hazard designation? No

Closest creek? Unnamed Creek Distance? Greater than 300 feet from project site

Soil drainage characteristics: Not well drained to moderately drained

For areas where drainage is identified as a potential issue, the Land Use Ordinance (LUO Sec. 22.52.110) includes a provision to prepare a drainage plan to minimize potential drainage impacts. When required, this plan would need to address measures such as: constructing on-site retention or detention basins, or installing surface water flow dissipaters. This plan would also need to show that the increased surface runoff would have no more impacts than that caused by historic flows.

SEDIMENTATION AND EROSION – Soil type, area of disturbance, and slopes are key aspects to analyzing potential sedimentation and erosion issues. The project's soil types and descriptions are listed in the previous Agriculture section under "Setting". As described in the NRCS Soil Survey, the project's soil erodibility is as follows:

Soil erodibility: Moderate

A sedimentation and erosion control plan is required for all construction and grading projects (LUO Sec. 22.52.120) to minimize these impacts. When required, the plan is prepared by a civil engineer to address both temporary and long-term sedimentation and erosion impacts. Projects involving more than one acre of disturbance are subject to the preparation of a Storm Water Pollution Prevention Plan (SWPPP), which focuses on controlling storm water runoff. The Regional Water Quality Control Board is the local extension who monitors this program.

Impact – Water Quality/Hydrology

With regards to project impacts on water quality the following conditions apply:

- ✓ Approximately 3.5 acres of site disturbance is proposed;
- ✓ The project will be subject to standard County requirements for drainage, sedimentation and erosion control for construction and permanent use;
- ✓ The project will be disturbing over an acre and will be required to prepare a SWPPP, which will be implemented during construction;
- ✓ The project is not on highly erodible soils, nor on moderate to steep slopes;
- ✓ The project is not within a 100-year Flood Hazard designation;
- ✓ The project is more than 100 feet from the closest creek or surface water body;
- ✓ All disturbed areas will be permanently stabilized with impermeable surfaces and landscaping;
- ✓ Stockpiles will be properly managed during construction to avoid material loss due to erosion;
- ✓ The project is subject to the County's Plumbing Code (Chapter 7 of the Building and Construction Ordinance [Title 19]), and/or the "Water Quality Control Plan, Central Coast Basin" for its wastewater requirements, where wastewater impacts to the groundwater basin will be less than significant;
- ✓ All hazardous materials and/or wastes will be properly stored on-site, which include secondary containment should spills or leaks occur;

Based on the project description, the existing agricultural processing facility has an estimated 100 ton production yield. This results in an estimated average of 109 gallons of water per day average for a year. Water use-processing will remain unchanged. The expanded tasting room domestic use would generate about 250 gallons per day, which equates to about 91,250 gallons (0.28 ac.ft. annually.). The event program-25 events with no more than 200 guests (9.24 gpd/person) would generate about 46,200 gallons annually (0.14 ac.ft. annually). A total of 0.42 ac.ft. annually will be added to the

existing operation.

At build out of Phase III, it is estimated that an additional 218 gallons of water per day on average / year would be used (0.0006 ac.ft.).

Mitigation/Conclusion. As specified above for water quality, existing regulations and/or required plans will adequately address surface water quality impacts during construction and permanent use of the project. Based on the proposed amount of water to be use and the water source, no significant impacts from water use are anticipated.

15. LAND USE

Will the project:

	Inconsistent	Potentially Inconsistent	Consistent	Not Applicable
a) <i>Be potentially inconsistent with land use, policy/regulation (e.g., general plan [County Land Use Element and Ordinance], local coastal plan, specific plan, Clean Air Plan, etc.) adopted to avoid or mitigate for environmental effects?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Be potentially inconsistent with any habitat or community conservation plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Be potentially inconsistent with adopted agency environmental plans or policies with jurisdiction over the project?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Be potentially incompatible with surrounding land uses?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting/Impact. Surrounding uses are identified on Page 2 of the Initial Study. The proposed project was reviewed for consistency with policy and/or regulatory documents relating to the environment and appropriate land use (e.g., County Land Use Ordinance, Local Coastal Plan, etc.). Referrals were sent to outside agencies to review for policy consistencies (e.g., CAL FIRE for Fire Code, APCD for Clean Air Plan, etc.). The project was found to be consistent with these documents (refer also to Exhibit A on reference documents used).

PROJECT MANAGER: PLANNING AREA STANDARDS APPLY

The proposed project is subject to the following Planning Area Standard(s) as found in the County's LUO:

- a. Planning Area Standard Chapter: 22.092 Adelaida Planning Area

The project is not within or adjacent to a Habitat Conservation Plan area. The project is consistent or compatible with the surrounding uses as summarized on page 2 of this Initial Study.

Ordinance Modifications: The project includes several modifications to limitations on use and site design standards including:

1. **Agricultural Retail Sales.** The applicant is requesting a modification to the ordinance to allow 1,900 sf of retail sales area. Section 22.30.075.B.1 allows for modifications to the amount of floor area devoted to retail sales.

The floor area of the structure, portion of a structure and/or any outdoor use display area shall be limited to 500 sf. A Minor Use Permit may be used to modify limitation on site design standards.

2. **Setbacks.** The applicant is requesting a modification to the ordinance to allow a setback of 300 feet to the nearest residence outside of the ownership of the applicant (Phase II). Section 22.30.075.B.4. states Agricultural Retail Sales shall be located no closer than 400 feet to an existing residence outside the ownership of the applicant. If not possible to maintain 400 feet from a residence outside the ownership of the applicant, the setback can be modified through a Minor Use Permit.

3. **Winery Setbacks.** The applicant requests a setback modification (Section 22.30.070.D.2.d.1) of the minimum 200 foot setback to property line requirement to allow 159 feet (side setback).

The applicant is requesting a setback modification that requires a winery tasting room to be located no closer than 400 feet to an existing residence outside the ownership of the applicant to allow 300 feet during Phase II. A modification is not required upon completion of Phase III (the detached tasting room would be located 486 feet from the nearest residence).

These setbacks can be modified through Minor Use Permit approval when a Conditional Use Permit is not otherwise required. Approval may be granted only after the Review Authority first determines that the request satisfies any of the following findings: (1) there is no feasible way to meet the required setbacks without creating environmental impacts or impacting prime agricultural land (SCS Class I, II and III); (2) the property fronts an arterial or collector street; (3) the setbacks are not practical or feasible due to existing topographic conditions or existing on-site vegetation or (4) is a legally constructed existing structure that was built prior to 1980 and it can be clearly demonstrated that the structure was intended for a legitimate agricultural or residential use. The proposed project meets number (2); the project fronts a collector road, Vineyard Drive.

4. **Temporary Events.** The applicant is requesting 25 temporary events be held on-site per year and is requesting that the event program runs in perpetuity of the land.

On October 6, 2009, the Board of Supervisors adopted a resolution interpreting the Temporary Events Ordinance (Section 22.30.610 of the Land Use Ordinance). The Board of Supervisors concluded that, while a Minor Use Permit can authorize multiple events, the life of the Minor Use Permit shall be defined as part of the approval. This means that temporary events may not be authorized in perpetuity through the granting of a single Minor Use Permit.

The Board of Supervisors did not establish criteria for how long the Minor Use Permit should be in effect. Instead, this decision has been made on a case-by-case basis by the Review Authority. Previous projects have received approval for a period of between 5 and 20 years.

Mitigation/Conclusion. Modifications to the ordinance standards have been identified and requested through the use permit process. These modifications can be approved by the decision makers if the appropriate findings can be made.

16. MANDATORY FINDINGS OF SIGNIFICANCEPotentially
SignificantImpact can
& will be
mitigatedInsignificant
ImpactNot
Applicable*Will the project:*

- a) *Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?* ☐ ☐ ☒ ☐
- b) *Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)* ☐ ☐ ☒ ☐
- c) *Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?* ☐ ☐ ☒ ☐

For further information on CEQA or the county's environmental review process, please visit the County's web site at "www.sloplanning.org" under "Environmental Information", or the California Environmental Resources Evaluation System at: http://www.ceres.ca.gov/topic/env_law/ceqa/guidelines for information about the California Environmental Quality Act.

Exhibit A - Initial Study References and Agency Contacts

The County Planning Department has contacted various agencies for their comments on the proposed project. With respect to the subject application, the following have been contacted (marked with an ☒) and when a response was made, it is either attached or in the application file:

<u>Contacted</u>	<u>Agency</u>	<u>Response</u>
<input checked="" type="checkbox"/>	County Public Works Department	Attached
<input checked="" type="checkbox"/>	County Environmental Health Division	Attached
<input checked="" type="checkbox"/>	County Agricultural Commissioner's Office	Attached
<input type="checkbox"/>	County Airport Manager	Not Applicable
<input type="checkbox"/>	Airport Land Use Commission	Not Applicable
<input type="checkbox"/>	Air Pollution Control District	Not Applicable
<input type="checkbox"/>	County Sheriff's Department	Not Applicable
<input checked="" type="checkbox"/>	Regional Water Quality Control Board	None
<input type="checkbox"/>	CA Coastal Commission	Not Applicable
<input type="checkbox"/>	CA Department of Fish and Wildlife	Not Applicable
<input checked="" type="checkbox"/>	CA Department of Forestry (Cal Fire)	Attached
<input type="checkbox"/>	CA Department of Transportation	Not Applicable
<input type="checkbox"/>	Community Services District	Not Applicable
<input checked="" type="checkbox"/>	Other <u>Templeton Area Advisory Group</u>	Attached
<input checked="" type="checkbox"/>	Other <u>Building Division</u>	Not Applicable

**** "No comment" or "No concerns"-type responses are usually not attached**

The following checked ("☒") reference materials have been used in the environmental review for the proposed project and are hereby incorporated by reference into the Initial Study. The following information is available at the County Planning and Building Department.

<input checked="" type="checkbox"/> Project File for the Subject Application	<input type="checkbox"/> Design Plan
<u>County documents</u>	<input type="checkbox"/> Specific Plan
<input type="checkbox"/> Coastal Plan Policies	<input checked="" type="checkbox"/> Annual Resource Summary Report
<input checked="" type="checkbox"/> Framework for Planning (Coastal/Inland)	<input type="checkbox"/> Circulation Study
<input checked="" type="checkbox"/> General Plan (Inland/Coastal), includes all maps/elements; more pertinent elements:	<u>Other documents</u>
<input checked="" type="checkbox"/> Agriculture Element	<input checked="" type="checkbox"/> Clean Air Plan/APCD Handbook
<input checked="" type="checkbox"/> Conservation & Open Space Element	<input checked="" type="checkbox"/> Regional Transportation Plan
<input type="checkbox"/> Economic Element	<input checked="" type="checkbox"/> Uniform Fire Code
<input checked="" type="checkbox"/> Housing Element	<input checked="" type="checkbox"/> Water Quality Control Plan (Central Coast Basin – Region 3)
<input checked="" type="checkbox"/> Noise Element	<input checked="" type="checkbox"/> Archaeological Resources Map
<input type="checkbox"/> Parks & Recreation Element/Project List	<input checked="" type="checkbox"/> Area of Critical Concerns Map
<input checked="" type="checkbox"/> Safety Element	<input checked="" type="checkbox"/> Special Biological Importance Map
<input checked="" type="checkbox"/> Land Use Ordinance (Inland/Coastal)	<input checked="" type="checkbox"/> CA Natural Species Diversity Database
<input type="checkbox"/> Building and Construction Ordinance	<input checked="" type="checkbox"/> Fire Hazard Severity Map
<input checked="" type="checkbox"/> Public Facilities Fee Ordinance	<input checked="" type="checkbox"/> Flood Hazard Maps
<input type="checkbox"/> Real Property Division Ordinance	<input checked="" type="checkbox"/> Natural Resources Conservation Service Soil Survey for SLO County
<input checked="" type="checkbox"/> Affordable Housing Fund	<input checked="" type="checkbox"/> GIS mapping layers (e.g., habitat, streams, contours, etc.)
<input type="checkbox"/> Airport Land Use Plan	<input type="checkbox"/> Other
<input type="checkbox"/> Energy Wise Plan	
<input checked="" type="checkbox"/> Area Plan and Update EIR	

In addition, the following project specific information and/or reference materials have been considered as a part of the Initial Study:

- Landslide Screening Evaluation; Geosolutions, April 22, 2014
- **Review of Landslide Screening Evaluation**, Brian Papurello, May 2014.
- **Pasolivo Biological Resource Assessment**, Kevin Merk Associates, LLC, November 2013.
- **Phase I Archaeological Survey and Historical Assessment for Pasolivo Project**, LSA, September 2013.
- **Oak Tree Protection Plan, Pasolivo Remodel**, Chip Tamagni, no date.

Exhibit B - Mitigation Summary Table

Per Public Resources Code Section 21081.6, the following measures also constitute the mitigation monitoring and/or reporting program that will reduce potentially significant impacts to less than significant levels. These measures will become conditions of approval (COAs) should the project be approved. The Lead Agency (County) or other Responsible Agencies, as specified in the following measures, are responsible to verify compliance with these COAs.

Agricultural

AG-1 At the time of application for construction permits, submit a revised site plan to the Department of Planning and Building for review and approval. The revised plan shall indicate the following and development shall be consistent with the revised and approve plan.

- a. Event overflow parking shall be located at least 100 feet from the southern property line to reduce impacts to adjacent agricultural operation.

Visual

V-1 At the time of application for construction permits, submit a revised lighting plan to the Department of Planning and Building for review and approval. The revised plan shall indicate the following and development shall be consistent with this revised and approved plan:

- a. No up-lighting of any oak trees and signs.

Biological Resources

BR-1. Prior to issuance of construction and/or grading permits, the applicant shall clearly show all oak trees within 50 feet of grading activities on the grading plans. In addition to showing the limits of grading, the grading plans shall also designate which oak trees are to be removed and which oak trees will be impacted by grading activities occurring within the root zone (one and one half times the dripline). Oak trees within 50 feet of grading activities, which are not designated for removal, shall be fenced and flagged for protection prior to permit issuance. Fencing shall be clearly shown on the grading plans to be located at the root zone for trees not designated for removal. For impacted trees, where grading activities will occur within the root zone, fencing may be placed at the limits of grading activities. Any tree removal associated with CDF/County Fire vegetative clearance/modification requirements shall also be considered on the plans.

BR-2. Prior to issuance of construction and/or grading permit, the applicant shall provide a tree replacement plan for review and approval by the Environmental Coordinator. The replacement plan shall demonstrate compliance with the following measures:

- a) **Number of Trees** – The tree replacement plan shall provide for the replacement, in kind, of removed oak trees at a 4:1 ratio. Additionally, the tree replacement plan shall provide for the planting, in kind, at a 2:1 ratio for oak trees designated for impact but not removal.
 - o Show replacement, in kind, of removed oaks at a 4:1 ratio (13 removed: 52 replaced) with 1 gallon saplings.
 - o Show replacement, in kind, of impacted oaks at a 2:1 ratio (25 impacted: 50 planted) with 1 gallon saplings.
 - o A total of 102 oak shall be planted, show replacement of 10 coast live oaks and 92 valley oaks.

- b) Location/Density – The location shall be clearly shown on the plans. Trees shall be planted at no greater a density than the average density in the existing oak woodland area on the site. Location of newly planted trees should adhere to the following, whenever possible: on the north side of and at the canopy/dripline edge of existing mature native trees; on north-facing slopes; within drainage swales (except when riparian habitat present); where topsoil is present; and away from continuously wet areas (e.g. lawns, leach lines).
- c) Species – Trees shall be of the same species of the trees proposed for impact or removal. The species shall be clearly specified on the plans.
- d) Size – Replacement oak trees shall be from either vertical tubes or deep, one-gallon container sizes.
- e) Planting – Replanting shall be completed as soon as it is feasible (e.g. irrigation water is available, grading done in replant area). Replant areas shall be either in native topsoil or areas where native topsoil has been reapplied. If the latter, top soil shall be carefully removed and stockpiled for spreading over graded areas to be replanted (set aside enough for 6-12" layer). If possible, planting during the warmest, driest months (June through September) shall be avoided. In addition, standard planting procedures (e.g., planting tablets, initial deep watering) shall be used.
- f) Maintenance – Newly planted trees shall be maintained until successfully established. This shall include protection (e.g. tree shelters, caging) from animals (e.g., deer, rodents), regular weeding of at least a three foot radius out from the planting, and adequate watering (e.g., drip-irrigation system). Hand removal of weeds shall be kept up on a regular basis at least once in late spring (April) and once in early winter (December).
- g) Irrigation/Watering – Irrigation details shall be clearly shown on the plans. Watering should be controlled so only enough is used to initially establish the tree, and reducing to zero over a three year period.

Birds

BR-3. Prior to commencement of any tree removal, to avoid conflicts with nesting raptors, construction activities shall not be allowed during to the nesting season (March to July), unless a county-approved, qualified biologist has surveyed the impact zone and determined that no nesting activities will be adversely impacted. At such time, if any evidence of nesting activities are found, the biologist will determine if any construction activities can occur during the nesting period and to what extent. The results of the surveys will be passed immediately to the County Environmental Division, possibly with recommendations for variable buffer zones, as needed, around individual nests. The applicant agrees to incorporate those recommendations approved by the county.

Oak Trees

BR-4. Once trees have been planted, the applicant shall retain a qualified individual (e.g., landscape contractor, arborist, nurseryman, botanist) to prepare a letter stating how and when the above planting and protection measures have been completed. This letter shall be submitted to the Department of Planning and Building.

BR-5. Prior to final inspections or occupancy, whichever occurs first, replacement trees shall be installed or bonded for in compliance with the approved tree replacement plan. If bonded for, installation shall be completed within 60 days of bonding.

- BR-6. Prior to final inspections, or prior to release of bonding (if applicable),** the applicant shall have completed the following as it relates to weed removal around newly planted vegetation: 1) no herbicides shall have been used; 2) either installation of a securely staked “weed mat” (covering at least a three-foot radius from center of plant), or hand removal of weeds (covering at least a 3' radius from center of plant) shall be completed for each new plant. Use of weed-free mulch (at least 3 inches deep) with regular replenishment may be substituted for the weed-mat.
- BR-7.** To guarantee the success of the new trees, the applicant shall retain a qualified individual (e.g., arborist, landscape architect/ contractor, nurseryman) to monitor the new trees' survivability and vigor until the trees are successfully established, and prepare monitoring reports, **on an annual basis**, for no less than seven years. Based on the submittal of the initial planting letter, the first report shall be submitted to the County Environmental Coordinator **one year after the initial planting** and thereafter **on an annual basis** until the monitor, in consultation with the County, has determined that the initially-required vegetation is successfully established. Additional monitoring will be necessary if initially-required vegetation is not considered successfully established. The applicant, and successors-in-interest, agrees to complete any necessary remedial measures identified in the report(s) to maintain the population of initially planted vegetation and approved by the Environmental Coordinator.
- BR-8.** The applicant recognizes that trimming of oaks can be detrimental in the following respects and agrees to minimize trimming of the remaining oaks: removal of larger lower branches should be minimized to 1) avoid making tree top heavy and more susceptible to “blow-overs”, 2) reduce having larger limb cuts that take longer to heal and are much more susceptible to disease and infestation, 3) retain the wildlife that is found only in the lower branches, 4) retains shade to keep summer temperatures cooler (retains higher soil moisture, greater passive solar potential, provides better conditions for oak seedling volunteers) and 5) retain the natural shape of the tree. Limit the amount of trimming (roots or canopy) done in anyone season as much as possible to limit tree stress/shock (10% or less is best, 25% maximum). Excessive and careless trimming not only reduces the potential life of the tree, but can also reduce property values if the tree dies prematurely or has an unnatural appearance. If trimming is necessary, the applicant agrees to either use a skilled arborist or apply accepted arborist's techniques when removing limbs. Unless a hazardous or unsafe situation exists, trimming shall be done only during the winter for deciduous species.
- BR-9.** Smaller trees (smaller than 5 inches in diameter at four feet above the ground) within the project area are considered to be of high importance, and when possible, shall be given similar consideration as larger trees.
- BR-10.** All oak trees identified to remain shall not be removed. Unless previously approved by the county, the following activities are not allowed within the root zone of existing or newly planted oak trees: year-round irrigation (no summer watering, unless “establishing” new tree or native compatible plant(s) for up to 3 years); grading (includes cutting and filling of material); compaction (e.g., regular use of vehicles); placement of impermeable surfaces (e.g., pavement); disturbance of soil that impacts roots (e.g., tilling).
- BR-11.** Grading, utility trenching, compaction of soil, or placement of fill shall be avoided within the fenced areas. If grading in the root zone cannot be avoided, retaining walls shall be constructed to minimize cut and fill impacts. Care shall be taken to avoid surface roots within the top 18 inches of soil. If any roots must be removed or exposed, they shall be cleanly cut and not left exposed above the ground surface.

BR-12. To minimize impacts to the sensitive oak woodland understory habitat (e.g. maritime chaparral, coastal scrub), the applicant agrees to the following during construction/ tract improvements and for the life of the project:

- a) All native vegetation removal shall be shown on all applicable grading/ construction plans, and reviewed/ approved by the County (Planning and Building Dept.) **before any work begins.**
- b) Vegetation removal of native habitat shall be limited to what is shown on the county-approved grading/construction plans.
- c) Vegetation clearance for fire safety purposes shall be limited to the minimum setbacks required by CDF/County Fire. Where feasible, all efforts will be made to retain as much of this vegetation within the setback as possible (e.g. remove/trim only enough vegetation to create non-contiguous islands of native vegetation).

Bats

BR-13. Prior to issuance of construction and/or grading permit for the appropriate phase, to ensure the project does not adversely affect bats, the following measures shall be implemented:

- a. All trees and structures will be surveyed by a qualified biologist at least one week prior to branch trimming, tree removal, demolition or maintenance to a structure. This is consistent with the measures prescribed for nesting birds. If a bat is discovered, it will be allowed to leave the area or structure on its own without further disturbance. If a day roost is discovered, exclusion methods may be employed September 1 through March 1. Exclusion methods must ensure that no bats are harmed or trapped in the process and that the biologist is present during the process. Once the bat(s) has left the work area, exclusion methods such as covering the cavity with netting or sealing it with concrete may be feasible, but will require approval and oversight by the project biologist. If a day roost is discovered, no exclusion methods shall be employed and no disturbance shall be allowed March through August.

Noise

N-1 During temporary events that include amplified music, the owners shall monitor noise levels, on an hourly basis, with a sound level meter at the property lines to ensure that the noise levels do not exceed those prescribed in the County Land Use Ordinance.

- a. Replacement Barn (doors open) – meets the County noise standards for day and nighttime events with the following mitigation:
 - i. South doors shall be closed
 - ii. North doors can remain open
- b. Outside, North of Barn- referred to as North Outdoor Terrace – meets County noise standards for day and nighttime events with mitigation.
 - i. Sound system – speakers shall be against north facing building façade and directed to the north
- c. Tasting Terrace – meets County daytime standards with mitigation
 - i. Orient sound system to the north.

N-2 The applicant shall provide notification to owners of property within a minimum of 1,000 feet of the exterior boundaries of the proposed site, through an email or letter. If a letter is used, it shall be delivered within 30 days prior to but not less than 3 days before each event occurrence. The following information shall be provided:

- a. A complete listing of all scheduled events including dates, times and number of attendees;
- b. 24-hour contact information for the on-site operator (cell phone), including e-mail and phone number, to be used to notify the operator of issues with the operation;
- c. Contact information for County Code Enforcement to be used if members of the public have complaints about the operation;
- d. Any identified problems shall be responded to and addressed as soon as possible.

As an alternative to providing the annual listing of the events in a letter, a website may be used. If a web-site is used, notification shall first be provided by mail and contain the website address, the 24 hour local contact information and the approved number of events and attendee numbers. The website shall be maintained and kept current at all times.



Letter of Transmittal

Date: October 31, 2014

To: Holly Phipps

RE: Pasolivo (Willow Creek New Co. LLC) DRC2013-00028-Original Signed Developer's Statement

Holly,

Please find the original signed developer's statement for the above referenced project.

Thank you,

Mandi Pickens
Kirk Consulting

2014 OCT 31 PM 4:12
PLANNING/BUILDING
DEPT

DATE: OCTOBER 24, 2014
REVISED: OCTOBER 28, 2014

**DEVELOPER'S STATEMENT FOR WILLOW CREEK NEW CO. LLC / PASOLIVO
MINOR USE PERMIT / DRC20013-00028**

The applicant agrees to incorporate the following measures into the project. These measures become a part of the project description and therefore become a part of the record of action upon which the environmental determination is based. All development activity must occur in strict compliance with the following mitigation measures. These measures shall be perpetual and run with the land. These measures are binding on all successors in interest of the subject property.

Note: The items contained in the boxes labeled "Monitoring" describe the County procedures to be used to ensure compliance with the mitigation measures.

Agricultural

AG-1 At the time of application for construction permits, submit a revised site plan to the Department of Planning and Building for review and approval. The revised plan shall indicate the following and development shall be consistent with the revised and approved plan.

- a. Event overflow parking shall be located at least 100 feet from the southern property line to reduce impacts to adjacent agricultural operation.

Visual

V-1 At the time of application for construction permits, submit a revised lighting plan to the Department of Planning and Building for review and approval. The revised plan shall indicate the following and development shall be consistent with this revised and approved plan:

- a. No up-lighting of any oak trees and signs.

Monitoring: Required at the time of application for construction and or grading permits. Compliance will be verified by the County Department of Planning and Building.

Biological Resources

BR-1. **Prior to issuance of construction and/or grading permits**, the applicant shall clearly show all oak trees within 50 feet of grading activities on the grading plans. In addition to showing the limits of grading, the grading plans shall also designate which oak trees are to be removed and which oak trees will be impacted by grading activities occurring within the root zone (one and one half times the dripline). Oak trees within 50 feet of grading activities, which are not designated for removal, shall be fenced and flagged for protection prior to permit issuance. Fencing shall be clearly shown on the grading plans to be located at the root zone for trees not designated for removal. For impacted trees, where grading activities will occur within the root zone, fencing may be placed at the limits of grading activities. Any tree removal associated with CDF/County Fire vegetative clearance/modification requirements shall also be considered on the plans.

Monitoring: Required prior to issuance of construction and or grading permit. Compliance will be verified by the County Department of Planning and Building, in consultation with the Environmental Coordinator.

BR-2. **Prior to issuance of construction and/or grading permit**, the applicant shall provide a tree replacement plan for review and approval by the Environmental Coordinator. The replacement plan shall demonstrate compliance with the following measures:

- a) **Number of Trees** – The tree replacement plan shall provide for the replacement, in kind, of removed oak trees at a 4:1 ratio. Additionally, the tree replacement plan shall provide for the planting, in kind, at a 2:1 ratio for oak trees designated for impact but not removal.
 - o Show replacement, in kind, of removed oaks at a 4:1 ratio (13 removed: 52 replaced) with 1 gallon saplings.
 - o Show replacement, in kind, of impacted oaks at a 2:1 ratio (25 impacted: 50 planted) with 1 gallon saplings.
 - o A total of 102 oak shall be planted, show replacement of 10 coast live oaks and 92 valley oaks.
- b) **Location/Density** – The location shall be clearly shown on the plans. Trees shall be planted at no greater a density than the average density in the existing oak woodland area on the site. Location of newly planted trees should adhere to the following, whenever possible: on the north side of and at the canopy/dripline edge of existing mature native trees; on north-facing slopes; within drainage swales (except when riparian habitat present); where topsoil is present; and away from continuously wet areas (e.g. lawns, leach lines).
- c) **Species** – Trees shall be of the same species of the trees proposed for impact or removal. The species shall be clearly specified on the plans.
- d) **Size** – Replacement oak trees shall be from either vertical tubes or deep, one-gallon container sizes.
- e) **Planting** – Replanting shall be completed as soon as it is feasible (e.g. irrigation water is available, grading done in replant area). Replant areas shall be either in native topsoil or areas where native topsoil has been reapplied. If the latter, top

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Developer's Statement for Willow Creek New Co. LLC (Pasolivo) /
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Page 3

soil shall be carefully removed and stockpiled for spreading over graded areas to be replanted (set aside enough for 6-12" layer). If possible, planting during the warmest, driest months (June through September) shall be avoided. In addition, standard planting procedures (e.g., planting tablets, initial deep watering) shall be used.

- f) Maintenance – Newly planted trees shall be maintained until successfully established. This shall include protection (e.g. tree shelters, caging) from animals (e.g., deer, rodents), regular weeding of at least a three foot radius out from the planting, and adequate watering (e.g., drip-irrigation system). Hand removal of weeds shall be kept up on a regular basis at least once in late spring (April) and once in early winter (December).
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Monitoring: Compliance will be verified by the County Department of Planning and Building.

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- BR-5. **Prior to final inspections or occupancy, whichever occurs first**, replacement trees shall be installed or bonded for in compliance with the approved tree replacement plan. If bonded for, installation shall be completed within 60 days of bonding.

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- b) Vegetation removal of native habitat shall be limited to what is shown on the county-approved grading/construction plans.

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- c) Vegetation clearance for fire safety purposes shall be limited to the minimum setbacks required by CDF/County Fire. Where feasible, all efforts will be made to retain as much of this vegetation within the setback as possible (e.g. remove/trim only enough vegetation to create non-contiguous islands of native vegetation).

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Bats

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Noise

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- a. Replacement Barn (doors open) – meets the County noise standards for day and nighttime events with the following mitigation:
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 - ii. North doors can remain open
- b. Outside, North of Barn- referred to as North Outdoor Terrace – meets County noise standards for day and nighttime events with mitigation.
 - i. Sound system – speakers shall be against north facing building façade and directed to the north
- c. Tasting Terrace – meets County daytime standards with mitigation
 - i. Orient sound system to the north.

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Monitoring: Compliance will be verified by the County Department of Planning and Building.

N-2 The applicant shall provide notification to owners of property within a minimum of 1,000 feet of the exterior boundaries of the proposed site, through an email or letter. If a letter is used, it shall be delivered within 30 days prior to but not less than 3 days before each event occurrence. The following information shall be provided:

- a. A complete listing of all scheduled events including dates, times and number of attendees;
- b. 24-hour contact information for the on-site operator (cell phone), including e-mail and phone number, to be used to notify the operator of issues with the operation;
- c. Contact information for County Code Enforcement to be used if members of the public have complaints about the operation;
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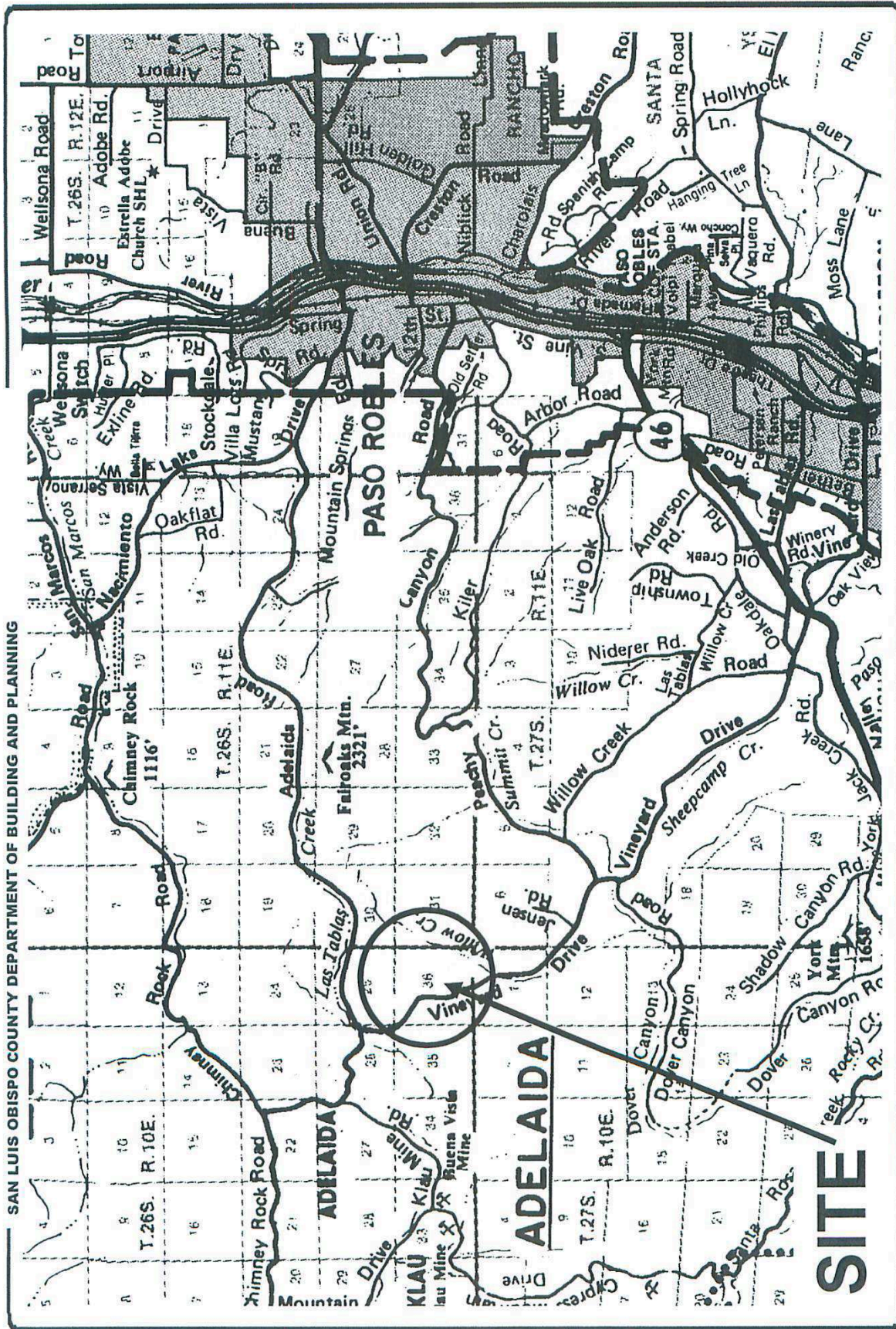
Monitoring: Compliance will be verified by the County Department of Planning and Building.

The applicant understands that any changes made to the project description subsequent to this environmental determination must be reviewed by the Environmental Coordinator and may require a new environmental determination for the project. By signing this agreement, the owner(s) agrees to and accepts the incorporation of the above measures into the proposed project description.


Signature of Owner(s)

Brian Dirk
Name (Print)

10-30-14
Date



SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING

PROJECT

Willow Creek / Minor Use Permit
DRC2013-00028

EXHIBIT

Vicinity Map



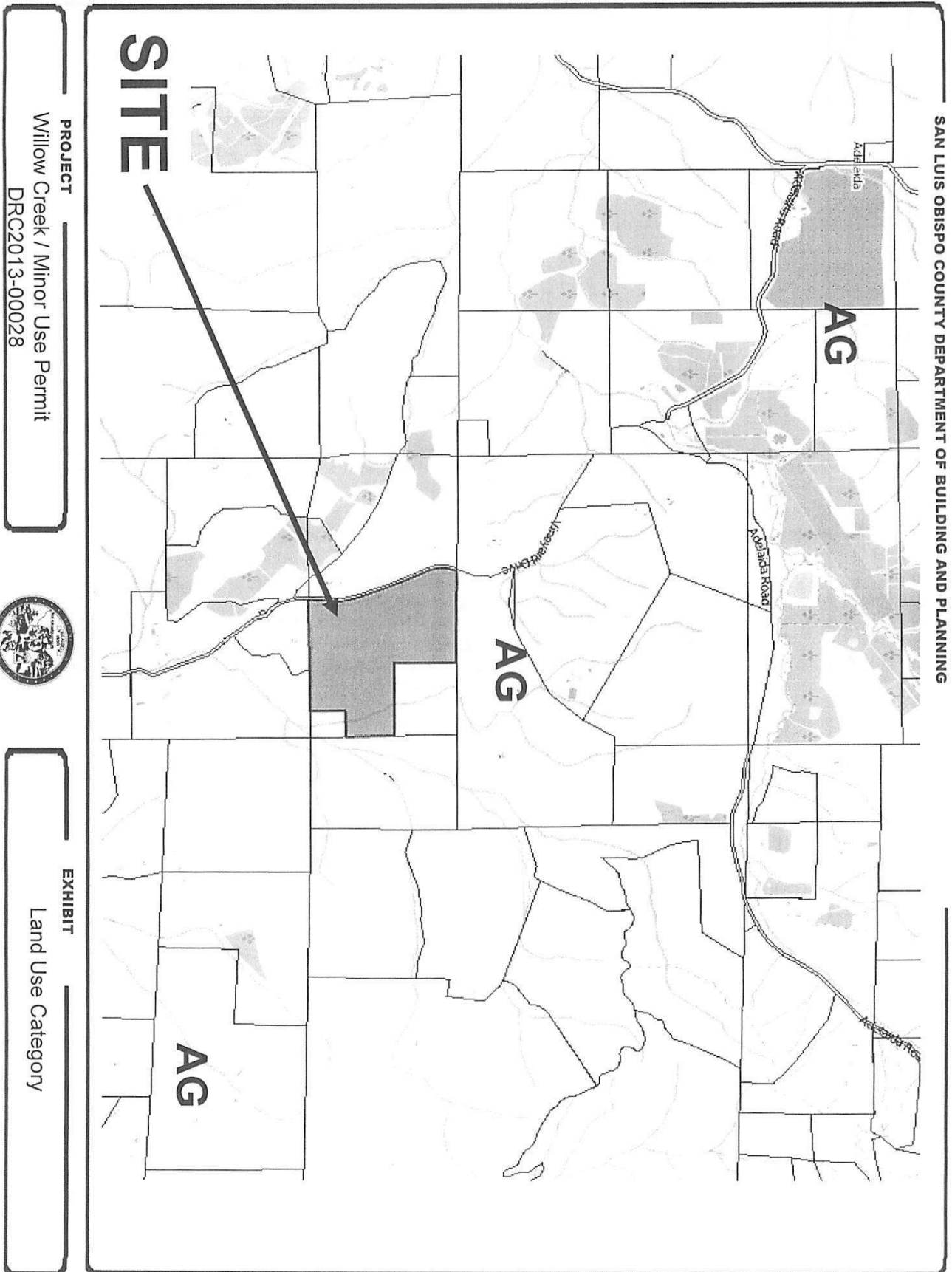



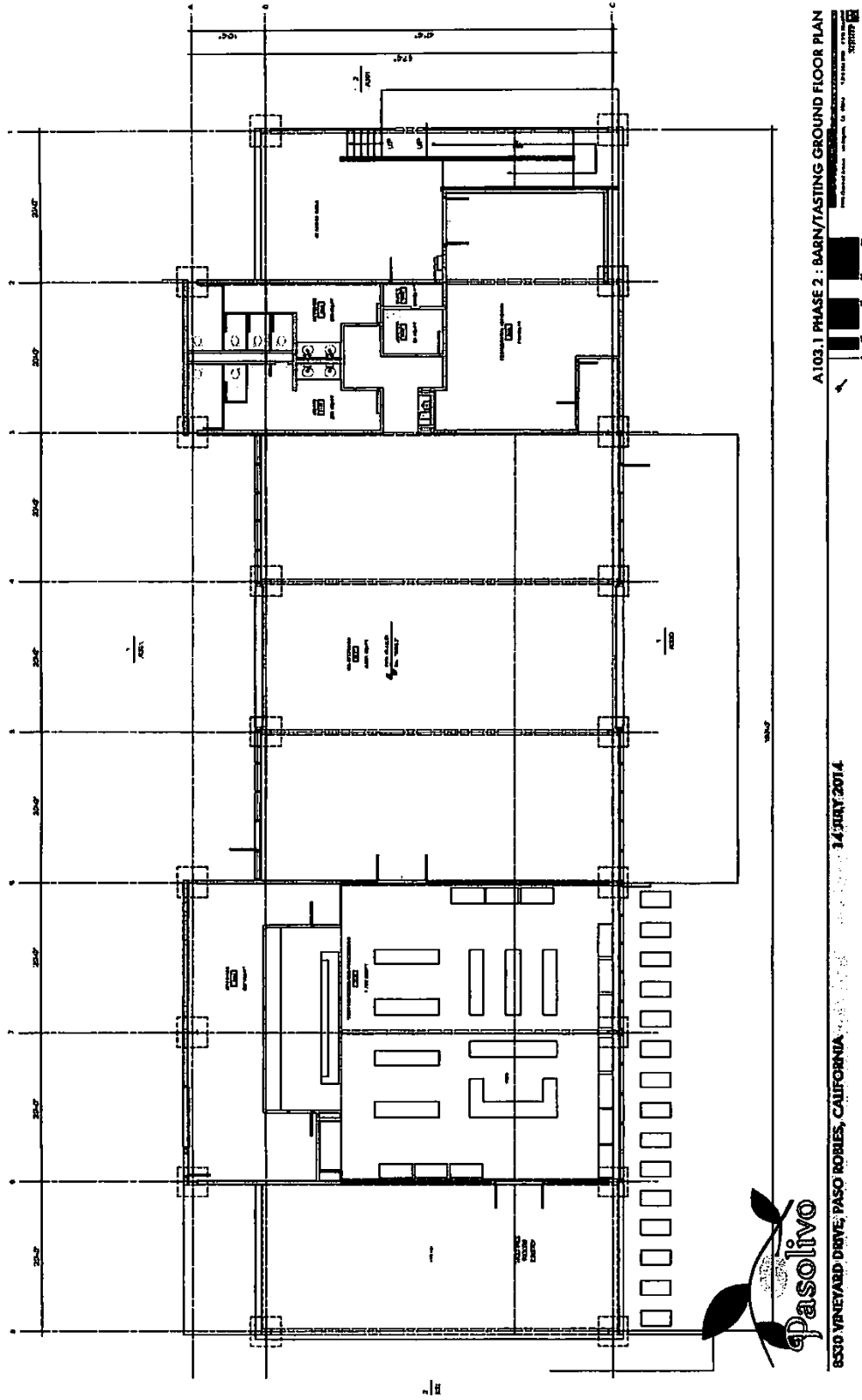


EXHIBIT  **Site Plan**

PROJECT
Willow Creek / Minor Use Permit
DRC2013-00028



SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING

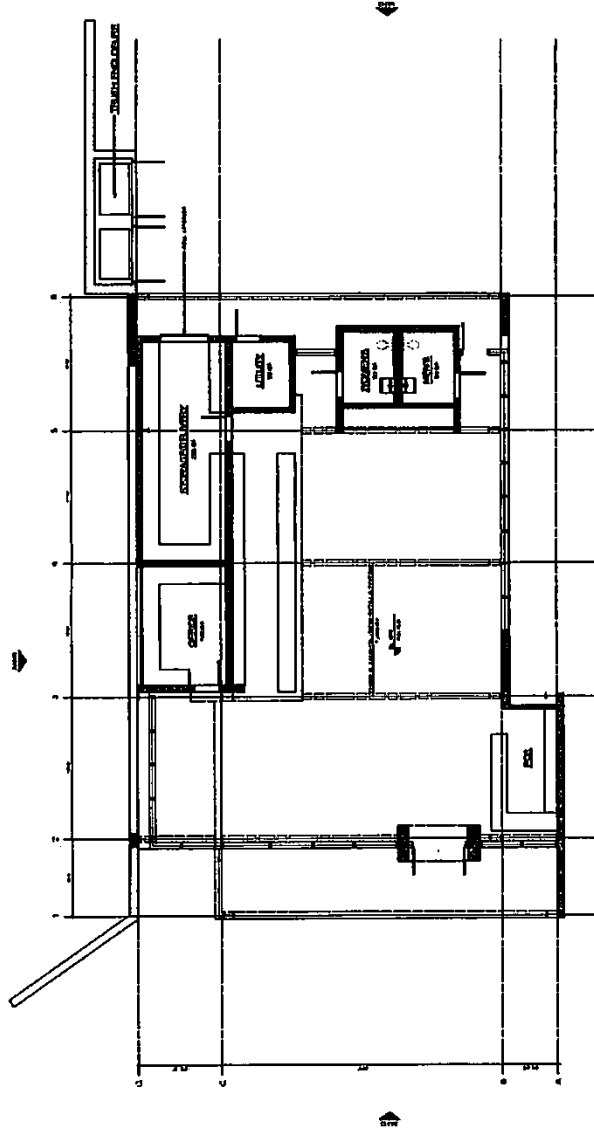


PROJECT
Willow Creek / Minor Use Permit
DRC2013-00028



EXHIBIT

Phase 2: Barn/Storage Ground FL



NOTE:
PHASE 1: TRAMPOLINE ROOM CONVERTED TO STORAGE (1,472 SF)

A105 PHASE 3: RETAIL BUILDING GROUND FLOOR PLAN

DATE: 01/10/2017
BY: [Signature]
CHECKED: [Signature]
APPROVED: [Signature]



8330 VINEYARD DRIVE, PALO VERDE, CALIFORNIA 94017

PROJECT

Willow Creek / Minor Use Permit
DRC2013-00028

EXHIBIT

Phase 3: Olive/Tasting Rm, Retail Sales Building /
Ground Floor





A107 EXISTING MILL BUILDING INFORMATION

14 JULY 2014

8530 VINEYARD DRIVE, PASO ROBLES, CALIFORNIA

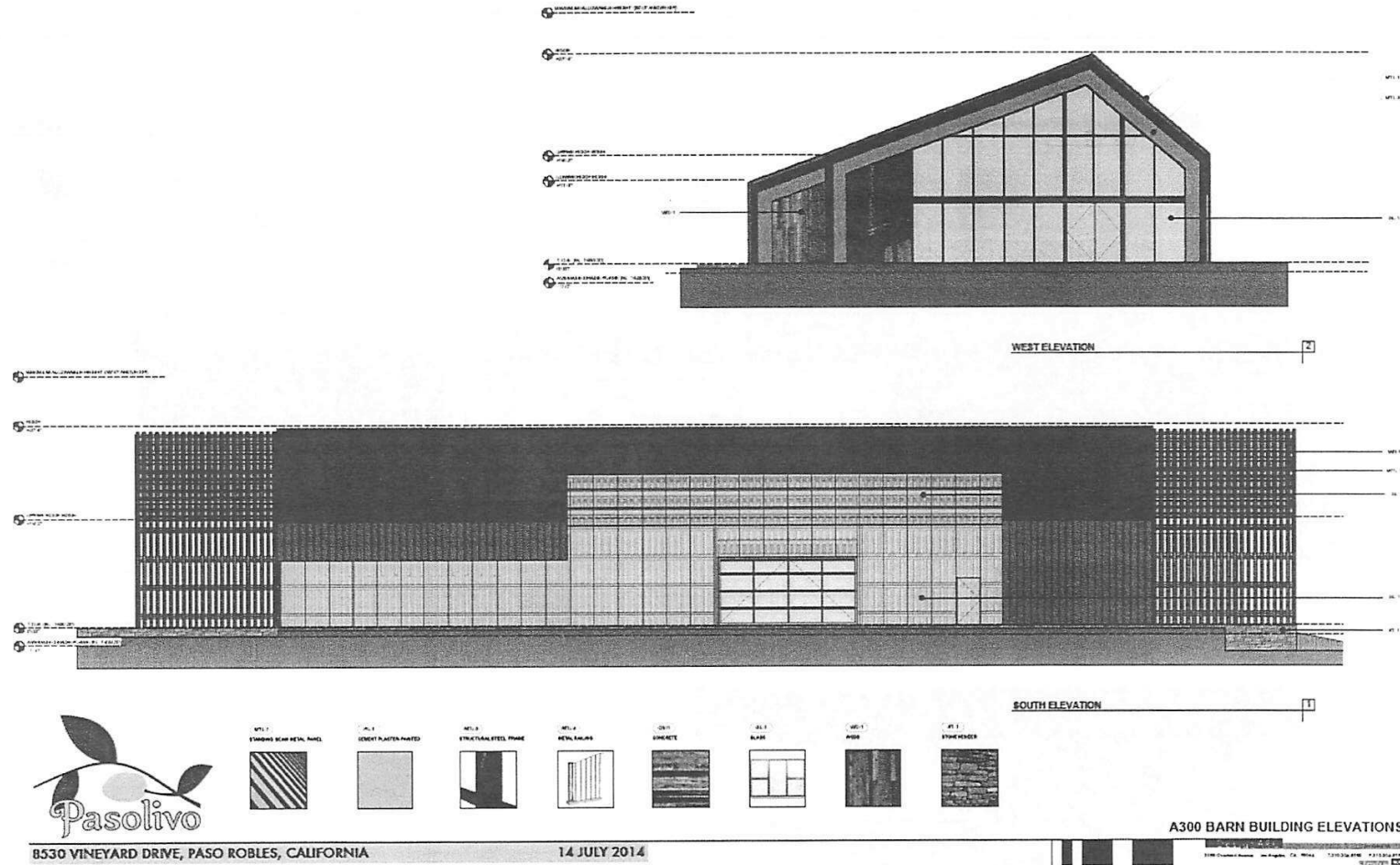


EXHIBIT — Existing Mill Building

PROJECT
Willow Creek / Minor Use Permit
DRC2013-00028

ATTACHMENT 3

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



PROJECT

Willow Creek / Minor Use Permit
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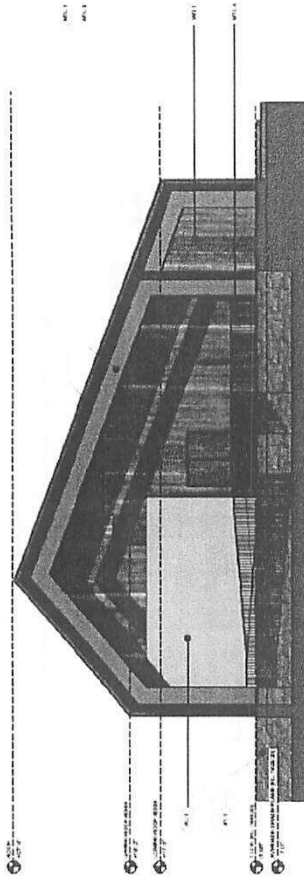


EXHIBIT

Barn Elevations

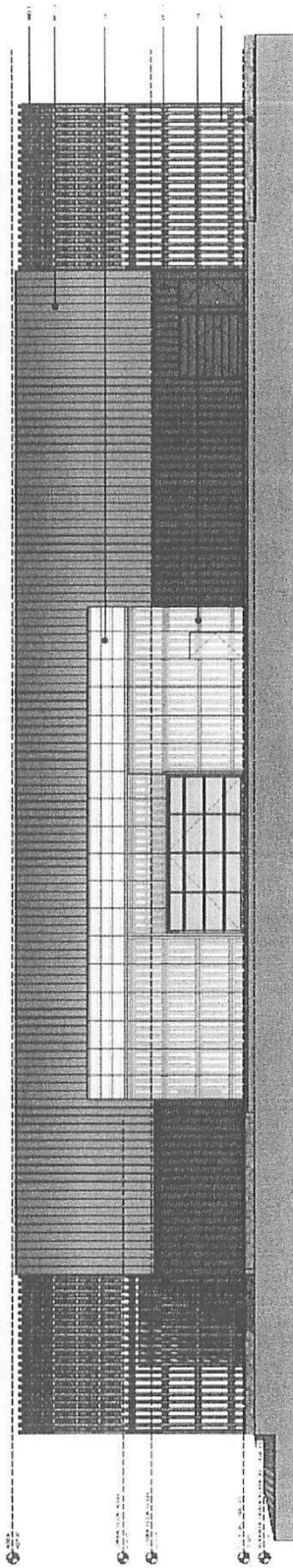
SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING

NOTES: 1. ALL MATERIALS SHALL BE OF THE QUALITY AND QUANTITY SPECIFIED IN THE SPECIFICATIONS AND SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE COUNTY ENGINEER.



EAST ELEVATION

NOTES: 2. ALL MATERIALS SHALL BE OF THE QUALITY AND QUANTITY SPECIFIED IN THE SPECIFICATIONS AND SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE COUNTY ENGINEER.



NORTH ELEVATION



A301 BARN BUILDING ELEVATIONS

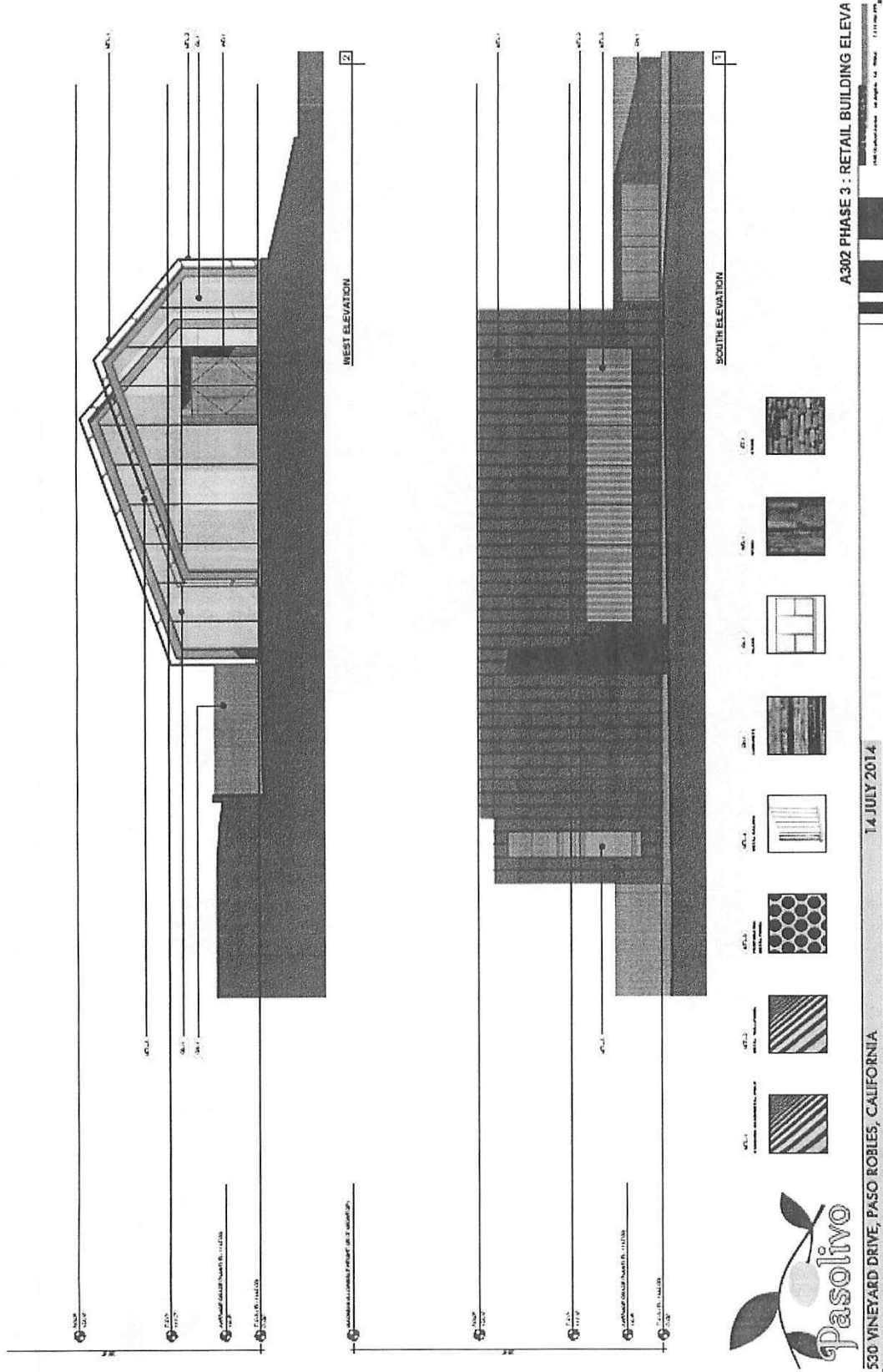
14 JULY 2014

8530 VINEYARD DRIVE, PASO ROBLES, CALIFORNIA

EXHIBIT Barn Elevations

PROJECT Willow Creek / Minor Use Permit
DRC2013-00028





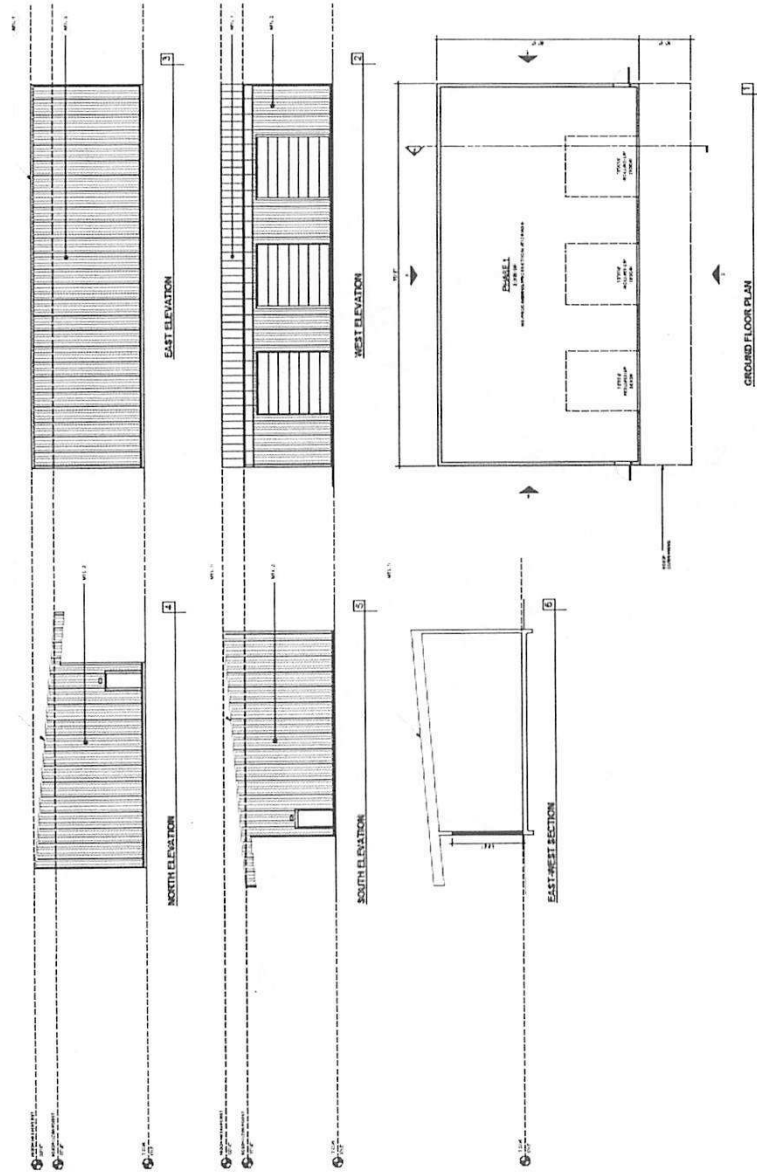


Phase 3: Tasting Rm/Retail Sales Elevations



PROJECT
Willow Creek / Minor Use Permit
DRC2013-00028

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



8530 VINEYARD DRIVE, PASO ROBLES, CALIFORNIA

14 JULY 2014

A304 PHASE 1: AG PROCESSING / PRODUCTION STORAGE

PROJECT

Willow Creek / Minor Use Permit
DRC2013-00028

EXHIBIT

Phase 1: AG Processing / Production Building





8530 VINEYARD DRIVE, PASO ROBLES, CALIFORNIA

PROJECT Willow Creek / Minor Use Permit
DRC2013-00028



APPROXIMATE IMPACT QUANTITIES	
NUMBER OF IMPACTS	NO.
IMPACTS PER UNIT AREA	NO.
IMPACTS PER UNIT LENGTH	NO.
IMPACTS PER UNIT VOLUME	NO.

NOTE: TOPO WITHIN LIMITS OF GROUND SURVEY IS 1-FOOT CONTINUUM ACCURACY. OUTSIDE OF THE GROUND SURVEY 2-FOOT UNIT, 1" CONTOURS HAVE BEEN INTERPOLATED FROM A 1-FOOT DEMO TOWNSHIP DEDICATED BY OREGON STATE AGRICULTURAL CENTER APRIL 22, 2013 AND ARE SHOWN FOR CONFORMANCE ONLY.



SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING

Plant Palette	
Plant Palette for the Countywide Plant List	
TREES:	
1. 10' - 12' DBH	2. 12' - 14' DBH
3. 14' - 16' DBH	4. 16' - 18' DBH
5. 18' - 20' DBH	6. 20' - 22' DBH
7. 22' - 24' DBH	8. 24' - 26' DBH
9. 26' - 28' DBH	10. 28' - 30' DBH
11. 30' - 32' DBH	12. 32' - 34' DBH
13. 34' - 36' DBH	14. 36' - 38' DBH
15. 38' - 40' DBH	16. 40' - 42' DBH
17. 42' - 44' DBH	18. 44' - 46' DBH
19. 46' - 48' DBH	20. 48' - 50' DBH
21. 50' - 52' DBH	22. 52' - 54' DBH
23. 54' - 56' DBH	24. 56' - 58' DBH
25. 58' - 60' DBH	26. 60' - 62' DBH
27. 62' - 64' DBH	28. 64' - 66' DBH
29. 66' - 68' DBH	30. 68' - 70' DBH
31. 70' - 72' DBH	32. 72' - 74' DBH
33. 74' - 76' DBH	34. 76' - 78' DBH
35. 78' - 80' DBH	36. 80' - 82' DBH
37. 82' - 84' DBH	38. 84' - 86' DBH
39. 86' - 88' DBH	40. 88' - 90' DBH
41. 90' - 92' DBH	42. 92' - 94' DBH
43. 94' - 96' DBH	44. 96' - 98' DBH
45. 98' - 100' DBH	46. 100' - 102' DBH
47. 102' - 104' DBH	48. 104' - 106' DBH
49. 106' - 108' DBH	50. 108' - 110' DBH
51. 110' - 112' DBH	52. 112' - 114' DBH
53. 114' - 116' DBH	54. 116' - 118' DBH
55. 118' - 120' DBH	56. 120' - 122' DBH
57. 122' - 124' DBH	58. 124' - 126' DBH
59. 126' - 128' DBH	60. 128' - 130' DBH
61. 130' - 132' DBH	62. 132' - 134' DBH
63. 134' - 136' DBH	64. 136' - 138' DBH
65. 138' - 140' DBH	66. 140' - 142' DBH
67. 142' - 144' DBH	68. 144' - 146' DBH
69. 146' - 148' DBH	70. 148' - 150' DBH
71. 150' - 152' DBH	72. 152' - 154' DBH
73. 154' - 156' DBH	74. 156' - 158' DBH
75. 158' - 160' DBH	76. 160' - 162' DBH
77. 162' - 164' DBH	78. 164' - 166' DBH
79. 166' - 168' DBH	80. 168' - 170' DBH
81. 170' - 172' DBH	82. 172' - 174' DBH
83. 174' - 176' DBH	84. 176' - 178' DBH
85. 178' - 180' DBH	86. 180' - 182' DBH
87. 182' - 184' DBH	88. 184' - 186' DBH
89. 186' - 188' DBH	90. 188' - 190' DBH
91. 190' - 192' DBH	92. 192' - 194' DBH
93. 194' - 196' DBH	94. 196' - 198' DBH
95. 198' - 200' DBH	96. 200' - 202' DBH
97. 202' - 204' DBH	98. 204' - 206' DBH
99. 206' - 208' DBH	100. 208' - 210' DBH
101. 210' - 212' DBH	102. 212' - 214' DBH
103. 214' - 216' DBH	104. 216' - 218' DBH
105. 218' - 220' DBH	106. 220' - 222' DBH
107. 222' - 224' DBH	108. 224' - 226' DBH
109. 226' - 228' DBH	110. 228' - 230' DBH
111. 230' - 232' DBH	112. 232' - 234' DBH
113. 234' - 236' DBH	114. 236' - 238' DBH
115. 238' - 240' DBH	116. 240' - 242' DBH
117. 242' - 244' DBH	118. 244' - 246' DBH
119. 246' - 248' DBH	120. 248' - 250' DBH
121. 250' - 252' DBH	122. 252' - 254' DBH
123. 254' - 256' DBH	124. 256' - 258' DBH
125. 258' - 260' DBH	126. 260' - 262' DBH
127. 262' - 264' DBH	128. 264' - 266' DBH
129. 266' - 268' DBH	130. 268' - 270' DBH
131. 270' - 272' DBH	132. 272' - 274' DBH
133. 274' - 276' DBH	134. 276' - 278' DBH
135. 278' - 280' DBH	136. 280' - 282' DBH
137. 282' - 284' DBH	138. 284' - 286' DBH
139. 286' - 288' DBH	140. 288' - 290' DBH
141. 290' - 292' DBH	142. 292' - 294' DBH
143. 294' - 296' DBH	144. 296' - 298' DBH
145. 298' - 300' DBH	146. 300' - 302' DBH
147. 302' - 304' DBH	148. 304' - 306' DBH
149. 306' - 308' DBH	150. 308' - 310' DBH
151. 310' - 312' DBH	152. 312' - 314' DBH
153. 314' - 316' DBH	154. 316' - 318' DBH
155. 318' - 320' DBH	156. 320' - 322' DBH
157. 322' - 324' DBH	158. 324' - 326' DBH
159. 326' - 328' DBH	160. 328' - 330' DBH
161. 330' - 332' DBH	162. 332' - 334' DBH
163. 334' - 336' DBH	164. 336' - 338' DBH
165. 338' - 340' DBH	166. 340' - 342' DBH
167. 342' - 344' DBH	168. 344' - 346' DBH
169. 346' - 348' DBH	170. 348' - 350' DBH
171. 350' - 352' DBH	172. 352' - 354' DBH
173. 354' - 356' DBH	174. 356' - 358' DBH
175. 358' - 360' DBH	176. 360' - 362' DBH
177. 362' - 364' DBH	178. 364' - 366' DBH
179. 366' - 368' DBH	180. 368' - 370' DBH
181. 370' - 372' DBH	182. 372' - 374' DBH
183. 374' - 376' DBH	184. 376' - 378' DBH
185. 378' - 380' DBH	186. 380' - 382' DBH
187. 382' - 384' DBH	188. 384' - 386' DBH
189. 386' - 388' DBH	190. 388' - 390' DBH
191. 390' - 392' DBH	192. 392' - 394' DBH
193. 394' - 396' DBH	194. 396' - 398' DBH
195. 398' - 400' DBH	196. 400' - 402' DBH
197. 402' - 404' DBH	198. 404' - 406' DBH
199. 406' - 408' DBH	200. 408' - 410' DBH
201. 410' - 412' DBH	202. 412' - 414' DBH
203. 414' - 416' DBH	204. 416' - 418' DBH
205. 418' - 420' DBH	206. 420' - 422' DBH
207. 422' - 424' DBH	208. 424' - 426' DBH
209. 426' - 428' DBH	210. 428' - 430' DBH
211. 430' - 432' DBH	212. 432' - 434' DBH
213. 434' - 436' DBH	214. 436' - 438' DBH
215. 438' - 440' DBH	216. 440' - 442' DBH
217. 442' - 444' DBH	218. 444' - 446' DBH
219. 446' - 448' DBH	220. 448' - 450' DBH
221. 450' - 452' DBH	222. 452' - 454' DBH
223. 454' - 456' DBH	224. 456' - 458' DBH
225. 458' - 460' DBH	226. 460' - 462' DBH
227. 462' - 464' DBH	228. 464' - 466' DBH
229. 466' - 468' DBH	230. 468' - 470' DBH
231. 470' - 472' DBH	232. 472' - 474' DBH
233. 474' - 476' DBH	234. 476' - 478' DBH
235. 478' - 480' DBH	236. 480' - 482' DBH
237. 482' - 484' DBH	238. 484' - 486' DBH
239. 486' - 488' DBH	240. 488' - 490' DBH
241. 490' - 492' DBH	242. 492' - 494' DBH
243. 494' - 496' DBH	244. 496' - 498' DBH
245. 498' - 500' DBH	246. 500' - 502' DBH
247. 502' - 504' DBH	248. 504' - 506' DBH
249. 506' - 508' DBH	250. 508' - 510' DBH
251. 510' - 512' DBH	252. 512' - 514' DBH
253. 514' - 516' DBH	254. 516' - 518' DBH
255. 518' - 520' DBH	256. 520' - 522' DBH
257. 522' - 524' DBH	258. 524' - 526' DBH
259. 526' - 528' DBH	260. 528' - 530' DBH
261. 530' - 532' DBH	262. 532' - 534' DBH
263. 534' - 536' DBH	264. 536' - 538' DBH
265. 538' - 540' DBH	266. 540' - 542' DBH
267. 542' - 544' DBH	268. 544' - 546' DBH
269. 546' - 548' DBH	270. 548' - 550' DBH
271. 550' - 552' DBH	272. 552' - 554' DBH
273. 554' - 556' DBH	274. 556' - 558' DBH
275. 558' - 560' DBH	276. 560' - 562' DBH
277. 562' - 564' DBH	278. 564' - 566' DBH
279. 566' - 568' DBH	280. 568' - 570' DBH
281. 570' - 572' DBH	282. 572' - 574' DBH
283. 574' - 576' DBH	284. 576' - 578' DBH
285. 578' - 580' DBH	286. 580' - 582' DBH
287. 582' - 584' DBH	288. 584' - 586' DBH
289. 586' - 588' DBH	290. 588' - 590' DBH
291. 590' - 592' DBH	292. 592' - 594' DBH
293. 594' - 596' DBH	294. 596' - 598' DBH
295. 598' - 600' DBH	296. 600' - 602' DBH
297. 602' - 604' DBH	298. 604' - 606' DBH
299. 606' - 608' DBH	300. 608' - 610' DBH
301. 610' - 612' DBH	302. 612' - 614' DBH
303. 614' - 616' DBH	304. 616' - 618' DBH
305. 618' - 620' DBH	306. 620' - 622' DBH
307. 622' - 624' DBH	308. 624' - 626' DBH
309. 626' - 628' DBH	310. 628' - 630' DBH
311. 630' - 632' DBH	312. 632' - 634' DBH
313. 634' - 636' DBH	314. 636' - 638' DBH
315. 638' - 640' DBH	316. 640' - 642' DBH
317. 642' - 644' DBH	318. 644' - 646' DBH
319. 646' - 648' DBH	320. 648' - 650' DBH
321. 650' - 652' DBH	322. 652' - 654' DBH
323. 654' - 656' DBH	324. 656' - 658' DBH
325. 658' - 660' DBH	326. 660' - 662' DBH
327. 662' - 664' DBH	328. 664' - 666' DBH
329. 666' - 668' DBH	330. 668' - 670' DBH
331. 670' - 672' DBH	332. 672' - 674' DBH
333. 674' - 676' DBH	334. 676' - 678' DBH
335. 678' - 680' DBH	336. 680' - 682' DBH
337. 682' - 684' DBH	338. 684' - 686' DBH
339. 686' - 688' DBH	340. 688' - 690' DBH
341. 690' - 692' DBH	342. 692' - 694' DBH
343. 694' - 696' DBH	344. 696' - 698' DBH
345. 698' - 700' DBH	346. 700' - 702' DBH
347. 702' - 704' DBH	348. 704' - 706' DBH
349. 706' - 708' DBH	350. 708' - 710' DBH
351. 710' - 712' DBH	352. 712' - 714' DBH
353. 714' - 716' DBH	354. 716' - 718' DBH
355. 718' - 720' DBH	356. 720' - 722' DBH
357. 722' - 724' DBH	358. 724' - 726' DBH
359. 726' - 728' DBH	360. 728' - 730' DBH
361. 730' - 732' DBH	362. 732' - 734' DBH
363. 734' - 736' DBH	364. 736' - 738' DBH
365. 738' - 740' DBH	366. 740' - 742' DBH
367. 742' - 744' DBH	368. 744' - 746' DBH
369. 746' - 748' DBH	370. 748' - 750' DBH
371. 750' - 752' DBH	372. 752' - 754' DBH
373. 754' - 756' DBH	374. 756' - 758' DBH
375. 758' - 760' DBH	376. 760' - 762' DBH
377. 762' - 764' DBH	378. 764' - 766' DBH
379. 766' - 768' DBH	380. 768' - 770' DBH
381. 770' - 772' DBH	382. 772' - 774' DBH
383. 774' - 776' DBH	384. 776' - 778' DBH
385. 778' - 780' DBH	386. 780' - 782' DBH
387. 782' - 784' DBH	388. 784' - 786' DBH
389. 786' - 788' DBH	390. 788' - 790' DBH
391. 790' - 792' DBH	392. 792' - 794' DBH
393. 794' - 796' DBH	394. 796' - 798' DBH
395. 798' - 800' DBH	396. 800' - 802' DBH
397. 802' - 804' DBH	398. 804' - 806' DBH
399. 806' - 808' DBH	400. 808' - 810' DBH
401. 810' - 812' DBH	402. 812' - 814' DBH
403. 814' - 816' DBH	404. 816' - 818' DBH
405. 818' - 820' DBH	406. 820' - 822' DBH
407. 822' - 824' DBH	408. 824' - 826' DBH
409. 826' - 828' DBH	410. 828' - 830' DBH
411. 830' - 832' DBH	412. 832' - 834' DBH
413. 834' - 836' DBH	414. 836' - 838' DBH
415. 838' - 840' DBH	416. 840' - 842' DBH
417. 842' - 844' DBH	418. 844' - 846' DBH
419. 846' - 848' DBH	420. 848' - 850' DBH
421. 850' - 852' DBH	422. 852' - 854' DBH
423. 854' - 856' DBH	424. 856' - 858' DBH
425. 858' - 860' DBH	426. 860' - 862' DBH
427. 862' - 864' DBH	428. 864' - 866' DBH
429. 866' - 868' DBH	430. 868' - 870' DBH
431. 870' - 872' DBH	432. 872' - 874' DBH
433. 874' - 876' DBH	434. 876' - 878' DBH
435. 878' - 880' DBH	436. 880' - 882' DBH
437. 882' - 884' DBH	438. 884' - 886' DBH
439. 886' - 888' DBH	440. 888' - 890' DBH
441. 890' - 892' DBH	442. 892' - 894' DBH
443. 894' - 896' DBH	444. 896' - 898' DBH
445. 898' - 900' DBH	446. 900' - 902' DBH
447. 902' - 904' DBH	448. 904' - 906' DBH
449. 906' - 908' DBH	450. 908' - 910' DBH
451. 910' - 912' DBH	452. 912' - 914' DBH
453. 914' - 916' DBH	454. 916' - 918' DBH
455. 918' - 920' DBH	456. 920' - 922' DBH
457. 922' - 924' DBH	458. 924' - 926' DBH
459. 926' - 928' DBH	460. 928' - 930' DBH
461. 930' - 932' DBH	462. 932' - 934' DBH
463. 934' - 936' DBH	464. 936' - 938' DBH
465. 938' - 940' DBH	466. 940' - 942' DBH
467. 942' - 944' DBH	468. 944' - 946' DBH
469. 946' - 948' DBH	470. 948' - 950' DBH
471. 950' - 952' DBH	472. 952' - 954' DBH
473. 954' - 956' DBH	474. 956' - 958' DBH
475. 958' - 960' DBH	476. 960' - 962' DBH
477. 962' - 964' DBH	478. 964' - 966' DBH
479. 966' - 968' DBH	480. 968' - 970' DBH
481. 970' - 972' DBH	482. 972' - 974' DBH
483. 974' - 976' DBH	484. 976' - 978' DBH
485. 978' - 980' DBH	486. 980' - 982' DBH
487. 982' - 984' DBH	488. 984' - 986' DBH
489. 986' - 988' DBH	490. 988' - 990' DBH
491. 990' - 992' DBH	492. 992' - 994' DBH
493. 994' - 996' DBH	494. 996' - 998' DBH
4	



SAN LUIS OBISPO COUNTY
DEPARTMENT OF PUBLIC WORKS

Paavo Ogren, Director

County Government Center, Room 207 • San Luis Obispo CA 93408 • (805) 781-5252
Fax (805) 781-1229 email address: pwd@co.slo.ca.us

MEMORANDUM

Date: November 8, 2013
To: Holly Phipps, Project Planner
From: Frank Honeycutt, Development Services
Subject: **Public Works Comments on DRC2013-00028, Willow Creek MUP, Vineyard Drive, Templeton, APN 014-331-073**

Thank you for the opportunity to provide information on the proposed subject project. It has been reviewed by several divisions of Public Works, and this represents our consolidated response.

Public Works Comments:

- A. The proposed project may trigger road improvements per Resolution 2008-152. Events that attract the general public and generate between 101 and 200 PEAK hour trips, will trigger upgrading a ¼ mile of Vineyard Drive to current standard. An alternative will be to limit the event hours to non-peak times such as not on week days between 4 PM and 6 PM.
- B. The proposed project requires a drainage plan to be prepared by a registered civil engineer and it will be reviewed at the time of Building Permit submittal by Public Works. The applicant should review Chapter 22.52 of the Land Use Ordinance prior to future submittal of development permits.

Recommended Project Conditions of Approval:

Access

1. **At the time of application for construction permits**, public improvement plans shall be prepared in compliance with the Land Use Ordinance and San Luis Obispo County Improvement Standards and Specifications by a Registered Civil Engineer and submitted to the Department of Public Works. The plan/s is/are to include, as applicable:
 - a. Street plan and profile for widening **Vineyard Drive** to complete an A-1g rural street section for a ¼ mile from the main entrance toward the nearest intersection.

2. **Prior to occupancy or final inspection**, the **Vineyard Drive** primary driveway approach shall be constructed in accordance with County Public Improvement Standard B-1e. The secondary access driveway is to be constructed to a B-1 Standard. All driveway approaches constructed on County roads shall require an encroachment permit.
3. **At the time of application for construction permits**, the applicant shall provide evidence to the Department of Planning and Building that onsite circulation and pavement structural sections have been designed and shall be constructed in conformance with Cal Fire standards and specifications back to the nearest public maintained roadway.
4. **Prior to occupancy or final inspection**, all public improvements have been constructed or reconstructed in accordance with County Public Improvement Standards and to the satisfaction of the County Public Works Inspector.
5. **On-going condition of approval (valid for the life of the project)**, and in accordance with County Code Section 13.08, no activities associated with this permit shall be allowed to occur within the public right-of-way including, but not limited to, project signage; tree planting; fences; etc without a valid Encroachment Permit issued by the Department of Public Works.

Drainage

6. **At the time of application for construction permits**, the applicant shall submit complete drainage plans for review and approval in accordance with Section 22.52.110 (Drainage) of the Land Use Ordinance.
7. **At the time of application for construction permits**, the applicant shall submit complete erosion and sedimentation control plan for review and approval in accordance with 22.52.120.
8. **On-going condition of approval (valid for the life of the project)**, the project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and / or Phase II storm water program and the County's Storm Water Pollution Control and Discharge Ordinance, Title 8, Section 8.68 et sec.

Recycling

9. **On-going condition of approval (valid for the life of the project)**, the applicants shall provide recycling opportunities to all facility users at all events in accordance with Ordinance 2008-3 of the San Luis Obispo County Integrated Waste Management Authority (mandatory recycling for residential, commercial and special events).



CAL FIRE
San Luis Obispo
County Fire Department

635 N. Santa Rosa • San Luis Obispo, CA 93405
Phone: 805-543-4244 • Fax: 805-543-4248
www.calfireslo.org

Robert Lewin, Fire Chief

8/26/14

County of San Luis Obispo
Department of Planning & Building
County Government Center
San Luis Obispo, CA. 93408

Subject: **DRC2013-00028** (Willow Creek NewCo LLC) located at 8530 Vineyard Drive near Templeton, CA.

A proposed Minor Use Permit for the phased construction of olive oil processing and tasting room expansion, including a special event program.

Associated building permits –
PMT2013-01766 (precise grading)
PMT2013-01767 and 01768 (agricultural storage buildings A/B)

The project is located within a **HIGH** Fire Hazard Severity Zone with an approximate **20** minute response time from the nearest County Fire Station. **CAL FIRE/County Fire Station #30 (Paso) is located at 2510 Ramada Drive near Paso Robles, CA.** This station has an approximate 13 mile vehicular travel distance. The project and applicant shall comply with the 2013 California Fire Code (CFC), the 2013 California Building Code (CBC), and the Public Resources Code (PRC) and any other applicable fire laws.

Special Concerns

This project site has an extended fire engine response time of approximately 20 minutes where emergency services are not readily available. The cumulative effects of large scale special events and increased commercial operations within areas such as this continue to place challenges upon CAL FIRE/County Fire's ability to provide efficient and effective emergency services within rural areas.

Public Assemblage and Events

Prior to Fire Department Review, proposed event area must first complete all requirements pursuant to Title 22, the San Luis Obispo County Land Use Ordinance. This includes receiving any necessary land use permit approval and issuance of construction and Conditional Use Permit requirements.

A fire safety review is required to ensure public safety in a place of assembly, or any other place where people congregate, including but not limited to; amusement buildings, carnivals and fairs, exhibits and trade shows, open burning, flames and torches, candles, places of assembly, temporary membranes structures and tents, pyrotechnics and special effects, live audiences and any event with public attendance over 250. The Fire Code Official shall have the authority to order the development of, or prescribe a plan for, the provision of an approved level of public safety.

A written plan must be submitted to the Fire Code Official 30 days prior to the event. Written submittal requirements will be in accordance with Section 404 Fire Safety and evacuation plans.

CAL FIRE Commercial Fire Plan Requirements Page 1 of 8

A field inspection verifying compliance of fire and life safety conditions must be conducted prior to public occupancy of the event. If modifications or additions to the event areas are made, an updated permit & inspection must be completed. Local Ordinance and California Fire Code (CFC) section 105.

Any time a tent, canopy or membrane structure in excess of 400 square feet is erected; it must be placed and utilized in accordance with California Fire Code – Chapter 24. The applicant shall be required to notify County Fire a minimum of 48-hours in advance of any tent or membrane structure being placed on site. Submittal requirements can be found on line at www.calfireslo.org

Fire Safety and Evacuation Plans

Applicant shall provide a written Fire Safety plan whose contents shall be in accordance with California Fire Code Chapter 4 Emergency Planning and Preparedness. Employee training, record keeping, hazard communication and drills will also comply with this chapter. The written plan will include at a minimum the detail outlined in sections 404.3.1 (Evacuations Plans) and 404.3.2 (Fire Safety Plans).

Fire evacuation plans. Fire evacuation plans shall include the following:

1. Emergency egress or escape routes and whether evacuation of the building is to be complete or, where *approved*, by selected floors or areas only.
2. Procedures for employees who must remain to operate critical equipment before evacuating.
3. Procedures for assisted rescue for *persons* unable to use the general *means of egress* unassisted.
4. Procedures for accounting for employees and occupants after evacuation has been completed.
5. Identification and assignment of personnel responsible for rescue or emergency medical aid.
6. The preferred and any alternative means of notifying occupants of a fire or emergency.
7. The preferred and any alternative means of reporting fires and other emergencies to the fire department or designated emergency response organization.
8. Identification and assignment of personnel who can be contacted for further information or explanation of duties under the plan.
9. A description of the emergency voice/alarm communication system alert tone and preprogrammed voice messages, where provided.

Fire safety plans. Fire safety plans shall include the following:

1. The procedure for reporting a fire or other emergency.
2. The life safety strategy and procedures for notifying, relocating or evacuating occupants/event attendees, including occupants who need assistance.
3. Site plans indicating the following:
 - 3.1. The occupancy assembly point.
 - 3.2. The locations of fire hydrants.
 - 3.3. The normal routes of fire department vehicle access.
4. Floor plans identifying the locations of the following:
 - 4.1. Exits.
 - 4.2. Primary evacuation routes.
 - 4.3. Secondary evacuation routes.
 - 4.4. Accessible egress routes.
 - 4.5. Areas of refuge.
 - 4.6. Exterior areas for assisted rescue.
 - 4.7. Manual fire alarm boxes.
 - 4.8. Portable fire extinguishers.
 - 4.9. Occupant-use hose stations.
 - 4.10. Fire alarm annunciators and controls.
5. A list of major fire hazards associated with the normal use and occupancy of the premises, including maintenance and housekeeping procedures.
6. Identification and assignment of personnel responsible for maintenance of systems and equipment installed to prevent or control fires.
7. Identification and assignment of personnel responsible for maintenance, housekeeping and controlling fuel hazard sources.

Vegetation Management

A written Wildland Fire/Vegetation Management Plan must be developed and approved by CAL FIRE.

Screening and Environmental Considerations

Landscaping and vegetation shall be in accordance with San Luis Obispo County Planning and building "screening requirements". CAL FIRE requires that landscaping selections do not readily transmit fire.

Fire resistant landscaping located within 100 feet of site improvements (structures or fire water tanks) shall be in accordance with CFC, Public Resources Code 4291 and Title 19 Division 1 described as "vegetation that are well-pruned and maintained so as to effectively manage fuels and not form a means of rapidly transmitting fire from other nearby vegetation to a structure or from a structure to other nearby vegetation. The intensity of fuels management may vary within the 100-foot perimeter of the structure, the most intense being within the first 30 feet around the structure. Consistent with fuels management objectives, steps should be taken to minimize erosion. For the purposes of this paragraph, "fuel" means any combustible material, including petroleum-based products and wildland fuels. www.calfireslo.org website has several links with recommended planning tools for landscape and fuels management plans.

Ignition Resistant Construction

The proposed project is located within a Wildland Fire Hazard Severity Zone and must comply with California Fire and Building Code Chapter 7A - Ignition Resistant Construction in Wildland Urban Interface Areas. The construction type shall be designed to withstand a wildfire. The roof type will have to be consistent with the requirements of Chapter 15 - Section 1505. The required roof covering(s) shall be no less than a fire retardant **Class B** rating.

Stairway Access to Roof

New buildings two or more stories above grade plane, except those with a roof slope greater than four units vertical in 12 units horizontal (33.3-percent slope), shall be provided with a stairway to the roof or other access to the roof for emergency personnel approved by the fire code official. Stairway access to the roof shall be in accordance with Section 1009. Such stairway or other approved access shall be marked at street and floor levels with a sign indicating that the stairway or access continues to the roof. Where roofs are used for roof gardens or for other purposes, stairways shall be provided as required for such occupancy classification.

Address Requirements

New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Where required by the Fire Code Official, address numbers shall be approved in additional approved locations to facilitate emergency response. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 8 inches high with a minimum stroke width of 0.5 inch (12.7mm).

Address Directories

When required by the Fire Code Official, complexes with multiple buildings may be required to provide directories, premises maps and directional signs. The scale, design and location of directory signs shall be approved by the fire code official and may be required to be illuminated.

Solar Photovoltaic Systems

Solar systems shall be installed in accordance with sections 605.11.1-605.11.4. Marking is required on interior and exterior Direct Current (DC) conduit, enclosures, raceways, cable assemblies, junction boxes, combiner boxes and disconnects.

Solar components shall be located as close to the hip, ridge, or valley or directly possible to an outside wall to reduce trip hazards and maximize ventilation opportunities.

Roof access points shall be located in areas that do not require the placement of ground ladders over openings such as windows, doors and must be located over strong points where access point does not conflict with overhead obstacles such as trees wires or signs.

There shall be a six (6) foot wide clear perimeter around the edges of the roof unless either axis of the building is 250 feet then 4 (4) foot clear perimeter is permitted. Smoke ventilation operations requires distance between arrays shall be eight foot or greater in width OR a four foot or greater pathway and bordering roof skylights, or smoke and heat vents OR a four (4) foot or greater and a bordering four foot by eight (8) foot "venting cutouts" every 20 feet on alternating sides of the pathway.

Secondary Egress

In accordance with CFC Section 503.1.2, County Fire is requiring the applicant to provide an additional (secondary) access point.

The proposed secondary access road was approved by CAL FIRE/County Fire during an onsite consultation with Kirk Consulting representatives in October 2013.

Commercial Access Road(s)

Grade and Design

The grade for all roads, streets, private lands and driveways shall not exceed 16% unless approved by the local Fire Code Official. Design criteria shall be in accordance with San Luis Obispo County Public Works - Public Improvement Standards. Roads 12%-16% shall be a nonskid asphalt or concrete surface as specified in San Luis Obispo County Public Improvement Standards, Specifications and Drawings.

Road Width and Signage

- A commercial access road must be 24 feet wide.
- Parking is only allowed where an additional 8 feet of width is added for each side of the road that has parking.
- "No Parking - Fire Lane" signs will be required.
- Fire lanes shall be provided as set forth in the California Fire Code Section 503.
- Fire access shall be provided within 150 feet of the outside building(s) perimeter.
- Must be an all-weather non-skid paved surface.
- All roads must be able to support fire apparatus.
- Vertical clearance of 13'6" is required.
- Fuel modification of 10 feet on either side of roadway must be maintained.
- An approved traffic plan shall be provided to the fire code official.
- Interior commercial roads shall be named and provided with approved street signs.
- One way interior roads shall be labeled indicating direction of travel.

Structural Access Requirements

All commercial buildings shall install a Knox key box for fire department emergency access – CFC Section 506.1. The box shall be installed prior to final inspection of the building. An order form is available from the Prevention Bureau, call for more information at (805) 543-4244.

Gate Access Requirements

- Must be setback a minimum of 30 feet from the SLO County maintained road
- Must automatically open with no special knowledge.
- Must have a KNOX key box or switch for fire department access. Call the Prevention Bureau for an order form at (805) 543-4244.
- Gate shall have an approved means of emergency operation at all times. CFC 503.6
- Gate must be 2 feet wider than the road on each side.
- Gates must have a turnaround located at each gate.

Exiting

All egress and exiting components shall comply with Chapter 10 of the 2013 California Fire Code.

Setbacks

A 30-foot building setback from property line required for parcels 1 acre in size or larger. All setbacks are subject to San Luis Obispo County Department of Planning and Building approval.

Fire Sprinklers in Structures

This project will require installing a commercial fire sprinkler system in **ALL** new buildings and within existing structures where the occupancy classification is being changed. All visitor serving and/or commercial use structures require the installation of commercial fire sprinkler systems.

Note: PMT2013-00768 (Bldg. "B") will **not** require the installation of a commercial fire sprinkler system as long as the structure is not utilized for any commercial purposes whatsoever. No intensified public use of this structure will be allowed without a commercial fire sprinkler system.

The type of sprinklers required will depend upon the occupancy classification type of the structures and must comply with NFPA 13. The automatic fire extinguishing system shall comply with the National Fire Protection Association (NFPA) 13. The applicant will have to identify what Hazard Class the project is for review by the fire department (exp. Ordinary Hazard Class II), for each of the buildings in the project. Three sets of plans and calculations shall be submitted for functional review and approval to the County Fire Department. The contractor shall be licensed by the State of California, CFC. A licensed alarm company shall monitor the fire sprinkler and alarm system.

The automatic fire extinguishing system shall comply with the National Fire Protection Association (NFPA) 13, or other approved NFPA Standard depending on target hazard. (Clean agent or alternative option)

Agricultural Use Structures

Structures over the minimum square footage must meet **all of the local ordinance** table 903 requirements **and all of the following requirements:** no conditioned or habitable space, • no second stories (lofts 1/3 the floor area and open to below are allowed), • minimum two exits including one pedestrian door (side hinge swinging door), • workshops or offices limited to 10% of floor area • dedicated fire water storage minimum of 5,000 gallons steel tank in full compliance with NFPA 1142(see fire safety plan) if there is no community provided fire hydrant within 500 ft. • structure complies with the California Wildland Urban-Interface Ignition Resistant Construction Requirements • heat detectors installed in accordance with CBC linked to an audible bell mounted in the exterior of the structure • May not be used as a place of employment or for public assemblage/events • May not be used as a commercial building.

Sprinkler System Supervision and Alarms

All valves controlling the water supply for automatic sprinkler systems, pumps, tanks, water levels, and temperatures, critical air pressures and water-flow switches on all sprinkler systems shall be electrically monitored for integrity and to ensure valves are locked in the open position, by a central station listed by Underwriters Laboratories for receiving fire alarms.

Fire Protection Engineer required

A Fire Protection Engineer shall review the proposed Fire Protection Systems for this project and provide a written technical analysis. Multiple fire protection and hazardous conditions systems may be required for this project. Three sets of plans and calculations shall be submitted for functional review and approval to the County Fire Department. A licensed Fire Protection Engineer must design and submit all required drawings for CAL FIRE review. The contractor shall be licensed by the State of California, California Fire Code. A licensed alarm company shall monitor all fire protection and hazardous conditions systems.

The initial Master Fire Protection Plan (Collings & Associates-10/4/13) was tentatively approved by CAL FIRE/County Fire in October 2013.

Private Water System Requirements

Commercial fire suppression system water storage tanks must be steel and located a minimum 20 feet from structures. NFPA Standard 22 Water tanks for private Fire Protection, NFPA Standard 24 Installation of Private Fire Service mains and their Appurtenances, NFPA Standard 25 Inspection, Testing and Maintenance of Water-Based Fire Protection Systems shall be utilized for this project.

The amount of emergency water required for fire suppression will be determined and approved by a Registered Fire Protection Engineer in cooperation with CAL FIRE/County Fire. Water required to be held in storage for domestic and/or landscaping purposes will be in addition to or separate from that required for fire suppression.

PRESSURIZED System and Hydrant Specifications

Plans shall be submitted to the County Fire Department for approval of the distribution system and hydrant locations. Fire hydrants shall have two, 2 1/2 inch outlets with National Standard Fire threads and one 4 inch suction outlet with National Standard Fire threads and comply with County Standard W-1. Each hydrant shall be identified by a blue reflective dot located on a non-skid surface located just off of center on the fire hydrant side. Hydrants must be protected from vehicle impact with the use of curbing or bollards.

The fire department connections (FDC) supporting the required fire protection systems shall be located within 20 feet of a San Luis Obispo County Dept. of Public Works/County Fire standard fire hydrant and visible on fire engine approach to the building.

DRAFT System and Hydrant Specifications

Based upon the somewhat limited size/scope of the proposed project, the required fire hydrants may be draft; a pressurized hydrant system is not required. A Registered Fire Protection Engineer will confirm this within the technical analysis.

Future development of the facility may require a pressurized hydrant system. The draft hydrant system must meet County Fire commercial water supply standards as cited on the www.calfireslo.org website. Each hydrant shall be identified by a blue reflective dot located on a non-skid surface located just off of center on the fire hydrant side. Hydrants must be protected from vehicle impact with the use of curbing or bollards.

NFPA 72 Alarm Systems

A centralized interlinked Fire Alarm System is required for this project. The alarm system shall terminate at a 24-hour monitoring point. Two sets of plans shall be submitted to CAL FIRE/San Luis Obispo County Fire for review and approval - California Fire Code Chapter 15 section 907. Fire alarm systems required by this chapter or by the California Building Code shall be monitored by an approved supervising station listed by Underwriters Laboratory for receiving fire alarms in accordance with NFPA 72. The supervising station shall contact and notify the Fire Chief or their call receiving location immediately on notification of an alarm and prior to making contact with the protected premises.

Alarm system must be centralized and interlinked for the entire facility and include monitoring for all site alarm systems including; all on site Fire Protection Systems, and any and all hazardous materials, monitoring of hazardous materials, compressed gases, flammable and combustible liquids, liquefied petroleum gases, storage, delivery and processing areas.

Proprietary Alarm systems (24 hour staffed Industrial Facilities)

Any/all existing and new alarm systems must be in compliance with NFPA 72 and monitoring must meet all requirements outlined in Chapter 26 section 26.4 Proprietary Supervising Station Systems.

Hazardous Materials Alarm(s)

Approved monitoring method shall be provided to detect hazardous materials. An emergency alarm shall be provided if hazardous materials have a hazard ranking of 3 or 4 in accordance with NFPA 704 and exceed the maximum allowable quantity per control area. California Fire Code Chapter 50

Commercial Cooking Operations

California Fire Code Section 904.11 states Commercial cooking equipment that produces grease laden vapors shall be provided with a Type I Hood, in accordance with the California Mechanical Code, and an automatic fire extinguishing system that is listed and labeled for its intended use as follows:

- 1) Wet chemical extinguishing system, complying with UL 300.
- 2) Carbon Dioxide extinguishing systems
- 3) Automatic Fire Sprinkler Systems

Hazardous Materials

Prior to final inspection, a Hazardous Materials Management Plan (HMMP) must be provided. Chemical storage/treatment and hazardous gases will require a Hazardous Materials Management Plan HMMP. In accordance with California Fire Code Chapter 50/Title 19 Division 2, Chapter 4/Health and Safety Code Chapter 6.95.

CAL FIRE requires a written plan addressing safeguards to minimize the risk of unwanted releases, fires or explosions involving hazardous materials. Additionally, the written plan shall include safeguards to minimize the consequences of an unsafe condition involving hazardous materials during normal operations and in the event of an abnormal condition.

Precautions for the safe storage, handling, or care of hazardous materials shall be in accordance with California Fire Code chapter 50 and shall include a Fire Department liaison to aid the Fire Department in pre-planning for all aspects of emergency responses.

Rooms, buildings or areas used for the storage of liquid or solid hazardous materials shall be provided with spill control and secondary containment. California Fire Code Chapter 50.

California Fire Code Chapter 53 Compressed Gasses

Containers, cylinders and tanks shall be secured and separated from hazardous conditions. Monitoring and detection shall be in accordance with section 5303.16.10.

California Fire Code Chapter 57 Flammable and Combustible Liquids

Signage for identification and warning inherent hazard of flammable or combustible liquid shall be provided. Signs will be of durable material white lettering on a red background. Letters shall not be less than 3 inches in height and 1/2 inch in stroke. Piping shall be identified in accordance with ASME A13.1

Permanently installed or mounted tanks more than 100 gallons in capacity storing class I, II or III liquids shall bear a label and placard identifying the materials. Placards shall be in accordance with NFPA 704.

California Fire Code Chapter 61 Liquefied Petroleum Gases

Minimum separation between LP-containers and buildings and public ways must comply with CFC table 6104.3. No Smoking signs must be posted within 25 feet of containers or point of transfer. Weeds, grass and brush, trash and other combustible material shall be kept a minimum of 10 feet from containers. Protection from vehicular damage shall be provided in accordance with California Fire Code section 312.

Portable Fire Extinguishers

Portable fire extinguishers shall be installed in all the occupancies in compliance with the California Fire Code section 906 and Title 19. The contractor shall be licensed by the State Fire Marshal.

Combustible Waste Material

Every building or portion of a building shall be maintained in a neat orderly manner, free from any condition that would create a fire or life hazard or a condition which would add to or contribute to the rapid spread of fire. CCR Title 19 Division 1. Refuse containers must not be stored within 5 feet of combustible walls, openings, or combustible roof eaves, unless the refuse container is protected by an automatic sprinkler system installed in accordance with California Fire Code section 903.

Petroleum Tanks

Fire Protection systems and safety precautions requirements shall be required in accordance with California Fire Code Chapter 57 - Flammable and Combustible Liquids. Foam protection system shall be provided for above ground tanks California Fire Code section 5704.2.9.2 in accordance with NFPA Standard 11 Low Expansion Foam and Combined Agent Systems, and NFPA Standard 15 Water Spray Fixed Systems NFPA Standard 30 Flammable and Combustible Liquids Code.

Storage, Stockpiles and Enclosures

Areas must meet all applicable California Fire Code requirements and be labeled with NFPA 704 required placarding.

Electrical


Electrical wiring and equipment shall be installed and maintained in accordance with California Fire Code section 605 and the California Electrical Code. Hazards and fire prevention concerns relational to Electrical equipment and wiring shall be abated as specified in the aforementioned Fire Code.

Fire Safety During Construction:

Prior to construction, an operational water supply system and established access roads must be installed in accordance with CFC Section 501.4. During construction, all applicable Public Resources Codes must be complied with to prevent a wildfire. These will include the use of spark arresters, adequate clearance around welding operations, smoking restrictions and having extinguishers on site. The Industrial Operations Fire Prevention Field Guide will assist the applicant.

The proposed project will require final inspection prior to occupancy. Please contact the Fire Prevention Bureau at (805)543-4244, extension 3490 to schedule all inspections and required systems tests.

Thank you,


Clinton I. Bullard
Fire Inspector



COUNTY OF SAN LUIS OBISPO

Department of Agriculture/Weights and Measures

2156 SIERRA WAY, SUITE A • SAN LUIS OBISPO, CALIFORNIA 93401-4556

(805) 781-5910 • FAX (805) 781-1035

Martin Settevendemie

Agricultural Commissioner/Sealer

www.slocounty.ca.gov/agcomm

AgCommSLO@co.slo.ca.us

DATE: September 9, 2014
TO: Holly Phipps, Project Manager
FROM: Lynda L. Auchinachie, Agriculture Department *LLA*
SUBJECT: Willow Creek Minor Use Permit DRC2013-00028 (1717)

The Agriculture Department's review finds that the proposed Willow Creek Minor Use Permit for the expansion of existing olive processing and tasting room facilities as well as a new special events program for up to 25 events with a maximum of 200 attendees will have less than significant impacts to agricultural resources or operations with the incorporation of the following mitigation measure:

- Locate parking within existing area of development. Any overflow parking should be located at least 100 feet from the southern property line to reduce impacts to adjacent agricultural operation.

Comments and recommendations are based on policies in the San Luis Obispo County Agriculture Element, Conservation and Open Space Element, the Land Use Ordinance, the California Environmental Quality Act (CEQA), and on current departmental policy to conserve agricultural resources and to provide for public health, safety and welfare while mitigating to the extent feasible the negative impacts of development to agriculture.

If you have questions, please call 781-5914.

Project Description and Agricultural Setting

The project site is located at 8530 Vineyard Drive, west of Paso Robles. The 120-acre site is located within the Agriculture land use category and is developed with olive processing and tasting room facilities, residences, and agricultural accessory structures as well as an 45-acre olive orchard. Agricultural uses in the area primarily consist of wine grape vineyards, nut orchards, and livestock production. The property is currently under Williamson Act Contract.

The proposal includes replacing, expanding, and reconfiguring both production and visitor serving uses by approximately 4,140 square feet as well as adding an events program for up to 25 events with a maximum of 200 attendees. All development will occur within existing developed areas, with the exception of the overflow parking. Upon completion there will be a total of 11,427 square feet of olive processing and visitor serving uses plus associated access roads. Consistent with Agriculture Element AGP 6, the proposal is beneficial to the local agricultural industry, the visitor serving uses are clearly secondary to winery production for each phase of development, and the facilities are sited adjacent to existing roads and are compatible with future agricultural activities.

Impacts to Agricultural Resources

The proposed development would result in the expansion and reconfiguration of existing olive processing and tasting room facilities and a new special events program for up to 25 events with a maximum of 200 attendees. Proposed development is located within existing areas of development with the exception of the overflow parking area that is located adjacent to the southern property boundary and a neighboring dry farm hay production operation. Impacts to agricultural resources will be less than significant impacts to agricultural resources or operations with the incorporation of the following mitigation measure:

- Locate parking within existing area of development. Any overflow parking should be located at least 100 feet from the southern property line to reduce impacts to adjacent agricultural operation.



SAN LUIS OBISPO COUNTY

DEPARTMENT OF PLANNING AND BUILDING

THIS IS A NEW PROJECT REFERRAL

DATE: 10/24/2013

TO: ENV HEALTH

OCT 25 2013
13393

FROM: Holly Phipps - North County Team / Development Review

PROJECT DESCRIPTION: DRC2013-00028 WILLOW CREEK – Proposed minor use permit for phased construction of olive oil processing and tasting room expansion, and temporary events. Site location is 8530 Vineyard Dr, Templeton. APN: 014-331-073.

Return this letter with your comments attached no later than: 14 days from receipt of this referral. CACs please respond within 60 days. Thank you.

PART 1 - IS THE ATTACHED INFORMATION ADEQUATE TO COMPLETE YOUR REVIEW?

- ☐ YES (Please go on to PART II.)
☐ NO (Call me ASAP to discuss what else you need. We have only 10 days in which we must obtain comments from outside agencies.)

PART II - ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

- ☐ YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter)
☐ NO (Please go on to PART III)

PART III - INDICATE YOUR RECOMMENDATION FOR FINAL ACTION.

Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial.

IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL.

Please see attached. Thank you.

11/15/13

Date

[Signature]

Name

X 555 1

Phone



COUNTY OF SAN LUIS OBISPO HEALTH AGENCY

Public Health Department

Jeff Hamm
Health Agency Director

Penny Borenstein, M.D., M.P.H.
Health Officer



Public Health
Prevent. Promote. Protect

October 30, 2013

To: Holly Phipps
North County Team / Development Review

From: Environmental Health
Leslie Terry

Project Description: DRC2013-00028, Willow Creek MUP
APN 033-291-034

Applicant to continue process for obtaining a Health Permit with San Luis Obispo County Environmental Health Services. Contact Jeremiah Damery at (805) 781-5548 with any questions regarding the food facility permitting process. In the event the proposed commercial kitchen will be used to prepare foods which may be made available to the public – then this kitchen will need to undergo plan check with this office.

See attached guidance document for information on Food Facilities with Private Water Wells. In the event this facility will not have more than 25 persons per day on site for 60 days out of the year, then the water will be regulated as part of their food facility permit.

In the event the facility has more than 25 persons per day on site for 60 days out of the year (guests, staff etc.), an annual permit will be required for the water supply at this facility. See attached flow chart for information on types of water systems. Contact Leslie Terry at (805) 781-5551 with any questions regarding the water supply at this facility.

If plan review for cross connection determines a device is necessary, then an annual device test requirement shall be added as a condition of this MUP.

Applicant to return attached Hazardous Materials Declaration Flowchart to this office. Be advised that threshold levels are 55 gallons, 500 pounds or 200 cubic feet and common materials include (but are not limited to): fuel, paint, lubricants, pesticides, pool chemicals and compressed gases. Contact Linnea Faulkner at (805) 781-4917 with any questions regarding this form.



SAN LUIS OBISPO COUNTY
PUBLIC HEALTH DEPARTMENT
ENVIRONMENTAL HEALTH SERVICES

Food Facilities with Private Water Wells

Food facilities not served by a public water system have a responsibility to ensure a safe water supply. The California Retail Food Code (CalCode), Section 114192, states that "an adequate, protected, pressurized, potable supply of hot water and cold water shall be provided," while Section 113869 defines "Potable water" as "water that complies with the standards for transient noncommunity water systems pursuant to the California Safe Drinking Water Act, Chapter 4 (commencing with Section 116270) of Part 12, to the extent permitted by federal law."

The California Safe Drinking Water Act provides the following definitions:

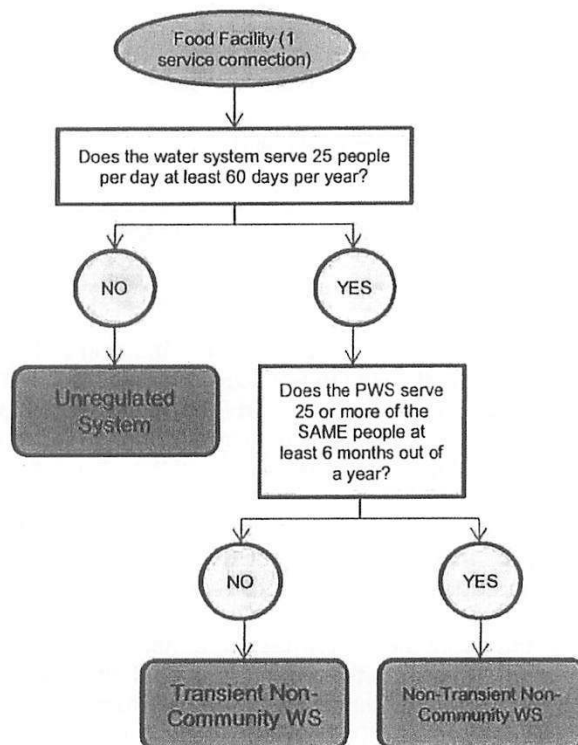
"116275. As used in this chapter:

(h) "Public water system" means a system for the provision of water for human consumption through pipes or other constructed conveyances that has 15 or more service connections or regularly serves at least 25 individuals daily at least 60 days out of the year.

A public water system includes the following:

(o) "Transient noncommunity water system" means a noncommunity water system that does not regularly serve at least 25 of the same persons over six months per year."

To achieve compliance with the regulations above, San Luis Obispo County will have facilities with private water wells which either utilize an unregulated water supply (with obligations to comply with "standards") or are served by a regulated transient non-community water system. This chart provides a decision tree for the proper classification of a food facility's water supply. All Public Water Systems (PWS) with less than 200 connections will be issued a **water system permit** and will be regulated by this office. Unregulated water systems serving a regulated food facility will be regulated as part of their **food facility permit**.

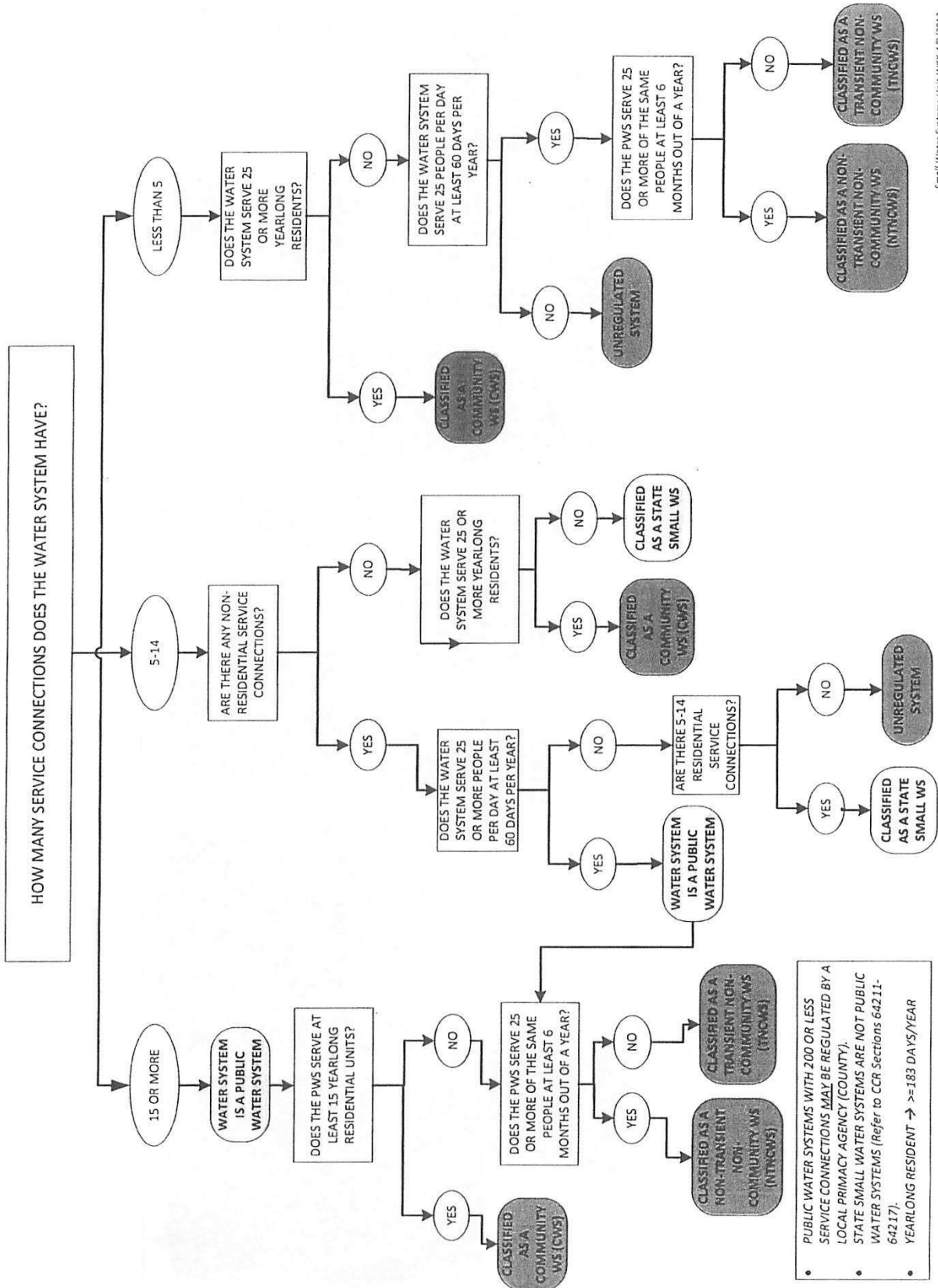


Unregulated water systems serving a food facility are required to comply with the following testing requirements:

Constituent	Frequency
Bacteriological	Monthly
Nitrate (NO ₃)	Annually
Nitrite (NO ₂)	Triennially (every 3 years)
Inorganic Chemicals (& Arsenic)	Once
Secondary Standards	Once

In addition to testing requirements, food facilities (including cottage food operations) are required to maintain their water system to ensure safety of their water supply. This includes but is not limited to ensuring that the source, distribution system and storage facilities are maintained to protect against contamination or pollution. Failure to comply with either testing or system structural requirements will result in a violation No. 21. *Water* on the food facility's inspection report.

DECISION TREE FOR CLASSIFICATION OF WATER SYSTEMS



**HAZARDOUS MATERIALS BUSINESS PLAN
IMPLEMENTATION FLOWCHART**

Under penalty of law, I declare that I have followed the flowchart and checked the boxes that are appropriate for this business's operations. I also understand that the SLO County CUPA must be notified if our operations or procedures change and make the above statement inaccurate.

Name (print)

Signature

Business Name

Address

Date

Do you generate hazardous waste in ANY quantity?

YES → **Sign and submit this document – you need not submit a business plan or pay a fee**

NO → **Do you store, use, or handle hazardous material at any one time during a calendar year in quantities equal to or greater than 55 gallons of a liquid, 500 pounds of a solid, or 200 cubic feet of a compressed gas at standard temperature and pressure?**

YES → **Are you a physician, veterinarian, pharmacist, dentist, or podiatrist who stores ONLY oxygen, nitrogen or nitrous oxide and the total quantity of each gas on-site is 1,000 cubic feet or less?**

YES → **Sign and submit this document – you need not submit a business plan or pay a fee**

NO → **Is your facility either a:**

Agricultural Business ☐

Do you store ONLY motor vehicle fuel in above or underground tanks at 1,100 gallons or less capacity and the TOTAL volume of fuel is less than 20,000 gallons?

YES → **Submit Form S, Form I, and Form M one time only and pay a one time fee**

NO → **Do you store ONLY motor or lubricating oil and is the total volume less than 275 gallons? (Does not include waste oil)**

YES → **Sign this document – you need not submit a business plan or pay a fee**

NO → **Do you store ONLY N-P-K fertilizers (excluding ammonium nitrates) less than 10,000 pounds total?**

YES → **Sign this document – you need not submit a business plan or pay a fee**

NO → **Do you apply liquid fertilizer no more than four times a year, apply and store it over period of less than seven days, and is the quantity less than 1,190 gallons and you do not store any other hazardous materials in reportable quantities?**

YES → **Sign this document – you need not submit a business plan or pay a fee**

NO → **Submit a one time business plan, complete exemption form R and pay a one time fee**

Other Business ☐

Do you store ONLY motor or lubricating oil and is the total volume less than 275 gallons? (Does not include waste oil)

YES → **Sign this document – you need not submit a business plan or pay a fee**

NO → **Is your facility:**

A): a remote site (a remote site is defined as an unstaffed facility located in an isolated, sparsely populated area. The facility is secured and not accessible to the general public) and

B): is the inventory less than: 500 cubic feet compressed inert gas, 500 gallons combustible liquid fuel, 200 gallons electrolytes in closed containers, 500 gallons lubricating and hydraulic fluids, and 1,200 gallons of flammable gas used as fuel (propane)?

YES → **Sign this document – you need not submit a business plan or pay a fee**

NO → **Submit a business plan and pay an annual fee to:**

San Luis Obispo County CUPA P.O. Box 1429
2155 Sierra Way
San Luis Obispo, CA 93406
Ph: (805) 781-5544

Within San Luis Obispo County:

SLO City Fire Dept 2160 Santa Barbara Ave
San Luis Obispo, CA 93401-5240
Ph: (805) 781-7380

ATTACHMENT 3

COMMON HAZARDOUS MATERIALS

- Lubricants
- Solvents
- Compressed Gases
- Fuel
- Pesticides
- Paint

COMMON HAZARDOUS WASTES

- Crank Case Oil
- Used Anti-Freeze
- Paint
- Used automotive batteries
- Spent solvents

Not sure?

Please contact The County of San Luis Obispo
Public Health Department
Division of Environmental Health
at
(805) 781-5544

DRC 2013-00028 Willow Creek

11/5/2013

These are the Building Division Comments to be incorporated into the Conditions. Please call me if you have any questions.

Comments from Building Division:

1. All construction working drawings and supporting documents shall be prepared by a California Licensed Architect of Record and is known as the Register Designed Professional in Responsible charge who shall coordinate the plans and documents. This individual shall sign the "Registered Designed Professional in Responsible Charge" form.
2. The project is subject to a construction permit as well as the currently adopted 2010 California Codes or if submitted after Jan.1, 2014, it will be the 2013 California Codes and may include compliance with the Urban Wildland Interface Chapter 7A, 2010 CBC. All processing equipment shall be listed by a national recognized testing agency or field tested.
3. The project will require a full Geotechnical report for the design of all building foundations and pad preparation at the time of construction permit application submittal.
4. The project is subject to the California State Title 24 disabled accessibility, energy laws (California Energy Commission) and the Green Building Code/ordinance. All new structures shall meet the County of San Luis Obispo Green Building ordinance requirements. In addition, the plans shall be in compliance with the County of San Luis Obispo recycle program.
5. If the area of disturbance is greater than 1 acre, then the project shall conform to the "National Pollutant Discharge Elimination System" storm water management program regulations.
6. A fire sprinkler system will be required. The sprinkler plans shall be submitted with a separate application for a separate fire sprinkler permit with the application for the structure(s). The application for the sprinkler system and any water tank storage required for the system shall be approved prior to issuance of the structure(s). Cal Fire requires that all commercial sprinkler systems be reviewed by a licensed fire protection engineer. **Fire sprinkler system may be required by county ordinance if Title 19 requirements trigger it, REGARDLESS of what the local fire jurisdiction may waive.**
7. Verify that all existing structures have legally approved permits and that they meet approved setbacks to the new property lines. If any structures are to be demolished, permits will be required to do so.
8. All on-site utilities serving existing structures shall be located on the correct parcel containing the structure served. Septic Design – If the percolation test is greater than 60 minutes per inch, then a licensed professional shall prepare the septic and leach design, typically a Civil Engineer.
9. Prior to permit submittal contact Steve Hicks, 781-5709 for a pre-construction permit application submittal meeting (free of charge) to clarify the number of permits required and identify any key issues.
10. Verification of the water supply is subject to Title 19.07.040 & 041.
11. Low Impact Development Guideline's (LID) - Any project creating over 2,500 sq. ft. of increased impervious surface shall comply with LID measures, see www.sloplanning.org.
12. It appears a separate grading permit maybe be required for access & pad grading.

Elizabeth Szwabowski, Plans Examiner III



May 20, 2014

File No.: 0916-01

SLO Co. File No. DRC2013-00028

Mr. Andrew Wood
Willow Creek NewCo, LLC
C/o Kirk Consulting
8830 Morro Road
Atascadero, California 93422

Attention: Ms. Mandi Pickens

Subject: **Review of Landslide Screening Evaluation**

Project: **Pasolivo Ranch (APN 014-331-073)**
8530 Vineyard Drive
Paso Robles Area of San Luis Obispo County, California

References: 1. Landslide Screening Evaluation, Pasolivo Ranch, 8530 Vineyard Drive, APN: 014-331-073, Templeton, San Luis Obispo County, California, Project No. SL08726-1, prepared by Geosolutions, Inc., dated April 22, 2014.

Dear Mr. Wood:

The purpose of this letter is to summarize our findings of site reconnaissance performed on May 19, 2014 and review of the above referenced landslide screening evaluation (Reference 1). The proposed project site is located within a zone of high susceptibility for landsliding potential.

The report was reviewed for conformance with the San Luis Obispo County Land Use Ordinance (LUO), California Geological Survey Special Publication 117A (CGS SP-117A) and the San Luis Obispo County Guidelines for Engineering Geology Reports. This review was specifically focused with respect to the potential for slope instability and landsliding. It is our opinion that the report prepared by Geosolutions, Inc., (Reference 1) presents a comprehensive outline, accurately modeling the landsliding potential for the site. Our findings are congruent with the conclusions of the landslide screening evaluation report, that the susceptibility for landsliding at the site is low.

It is our opinion that the potential for landsliding susceptibility for the project site has been adequately characterized in general accordance with CGS SP-117A and the San Luis Obispo

ATTACHMENT 3

May 20, 2014

File No.: 0916-01
SLO Co. File Nos. DRC2013-00028

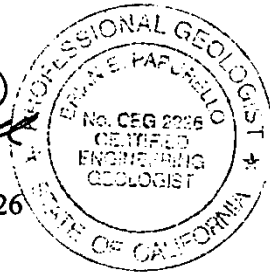
County Guidelines for Engineering Geology Reports. No further investigation is required for CEQA & LUO compliance.

Please contact me at (831) 443-6970 or bpapurello@landseteng.com if you have questions regarding this matter.

Respectfully,
LandSet Engineers, Inc.



Brian Papurello, CEG 2226



Doc. No. 1405-119.REV

Copies: Addressee (2)
Mr. Andrew Wood, Willow Creek NewCo, LLC (1)
Ms. Holly Phipps, San Luis Obispo County Planning Dept. (1)
Mr. John Kammer, Geosolutions, Inc. (1)
SLO County Geology files (1)

May 20, 2014

File No.: 0916-01
SLO Co. File Nos. DRC2013-00028

SAN LUIS OBISPO COUNTY ENGINEERING GEOLOGY & GEOTECHNICAL
REPORT REVIEW FORM

The San Luis Obispo County Planning and Building Department uses the following checklist as part of reviewing engineering geology and/or geotechnical reports for sites located in high potential zones for seismically induced liquefaction and/or landsliding. Explanatory notes are appended and keyed to each numbered item.

Checklist item within consulting report	Adequately described: satisfactory	Additional data needed: unsatisfactory
1. Project Description	X	
2. SLO County Geological Study Area Map	X	
3. Site Location	X	
4. Regional Geologic Map	X	
5. Original engineering geologic map of site	X	
6. Aerial photograph interpretation	X	
7. Subsurface site geology	X	
8. Geologic cross sections	X	
9. Active faulting and coseismic deformation across the site	N/A	
10. Landslides	X	
11. Flooding, severe erosion, deposition	N/A	
12. On-site septic systems	N/A	
13. Hydrocollapse of alluvial fan soils	N/A	
14. Evaluation of historical seismicity and regional faults	N/A	
15. Characterize and classify geologic site class	N/A	
16. Probabilistic evaluation of earthquake ground motion	N/A	
17. Peak ground acceleration for MCE levels of ground motion	N/A	
18. Site coefficients F_a & F_v and spectral accelerations S_s , S_1 , S_{MS} , S_{M1} , S_{DS} & S_{D1}	N/A	
19. Geologic setting for liquefaction analysis	X	
20. Liquefaction methodology	N/A	
21. Bluff erosion	N/A	
22. Tsunami or seiche potential	N/A	
23. Expansive soil	N/A	
24. Naturally occurring asbestos	N/A	
25. Radon and other hazardous gasses	N/A	
26. Geologic constraints anticipated during grading operations	N/A	
27. Areas of cut and fill, preparation of the ground, and depth of removals	N/A	
28. Subdrainage plans for groundwater	N/A	
29. Final grading report and as-built map	N/A	
30. Summary sheet	X	
31. Age of report	X	
32. Reports signed by RCE/CEG	X	



Templeton Area Advisory Group
P.O. Box 1135
Templeton, CA 93465

January 17, 2014

To: Karen Nall, County Planning Department
From: Bill Hockey, TAAG Chairman

Re: DRC 2013-00028 Willow Creek – Proposed minor use permit for phased construction of an olive oil processing and tasting room expansion and temporary events. Site location is 8530 Vineyard Dr., Templeton. APN: 014-331-073

This referral was reviewed by TAAG at our January 16, 2014 meeting with the following action: Referral was approved 7-0, subject to the following items -

Areas of Concern:

1. Removal of 11 Valley & Live Oak Trees. Minimization of removal is preferred especially the large mature 40" oaks.
2. Up lighting of signs and trees are not supported. Any tree up lighting if not eliminated should be soft to avoid light entering the sky above the respective trees.

Recommendations:

1. Storm Water permit & erosion control plan be required to contain runoff.
2. Shielding of new structures with plants, trees & vegetation.
3. All lighting should be installed with motion sensors to minimize light trespass.
4. Lighting of signage should be downcast & shielded, not up lighted as indicated on signage plan.
5. Tree mitigation for the 11 oaks, on a 4-1 scale, should be used on site. If not then the re-planting should be completed at Schools, Parks or other community sites.
6. TAAG feels the economic impact of this expansion will be a benefit to the community.

Supportive Issues:

1. Ingress & egress roads are supported.

Sincerely,

Bill Hockey
Chairperson, TAAG
Cc: TAAG Architectural Review Committee



ATTACHMENT 7
SAN LUIS OBISPO COUNTY
DEPARTMENT OF PUBLIC WORKS

Paavo Ogren, Director

County Government Center, Room 207 • San Luis Obispo CA 93408 • (805) 781-5252
Fax (805) 781-1229 email address: pwd@co.slo.ca.us

MEMORANDUM

Date: March 24, 2014
To: Holly Phipps, Project Planner
From: Frank Honeycutt, Development Services
Subject: **Public Works Comments on DRC2013-00028, Willow Creek MUP, Vineyard Drive, Templeton, APN 014-331-073 - REVISED**

Thank you for the opportunity to provide information on the proposed subject project. It has been reviewed by several divisions of Public Works, and this represents our consolidated response.

Public Works Comments:

- A. ~~The proposed project may trigger road improvements per Resolution 2008-152. Events that attract the general public and generate between 101 and 200 PEAK hour trips, will trigger upgrading a ¼ mile of Vineyard Drive to current standard. An alternative will be to limit the event hours to non-peak times such as not on week days between 4 PM and 6 PM. Resolution 2008-152 does not trigger any improvements related to the proposed project.~~
- B. The proposed project is requires a drainage plan to be prepared by a registered civil engineer and it will be reviewed at the time of Building Permit submittal by Public Works. The applicant should review Chapter 22.52 of the Land Use Ordinance prior to future submittal of development permits.

Recommended Project Conditions of Approval:

Access

1. ~~At the time of application for construction permits, public improvement plans shall be prepared in compliance with the Land Use Ordinance and San Luis Obispo County Improvement Standards and Specifications by a Registered Civil Engineer and submitted to the Department of Public Works. The plan/s is/are to include, as applicable:~~
- a. ~~Street plan and profile for widening **Vineyard Drive** to complete an A-1g rural street section for a ¼ mile from the main entrance toward the nearest intersection.~~

ATTACHMENT 7

2. **Prior to occupancy or final inspection**, the **Vineyard Drive** primary driveway approach shall be constructed in accordance with County Public Improvement Standard B-1e. The secondary access driveway is to be constructed to a B-1 Standard. All driveway approaches constructed on County roads shall require an encroachment permit.
3. **At the time of application for construction permits**, the applicant shall provide evidence to the Department of Planning and Building that onsite circulation and pavement structural sections have been designed and shall be constructed in conformance with Cal Fire standards and specifications back to the nearest public maintained roadway.
4. **Prior to occupancy or final inspection**, all public improvements have been constructed or reconstructed in accordance with County Public Improvement Standards and to the satisfaction of the County Public Works Inspector.
5. **On-going condition of approval (valid for the life of the project)**, and in accordance with County Code Section 13.08, no activities associated with this permit shall be allowed to occur within the public right-of-way including, but not limited to, project signage; tree planting; fences; etc without a valid Encroachment Permit issued by the Department of Public Works.

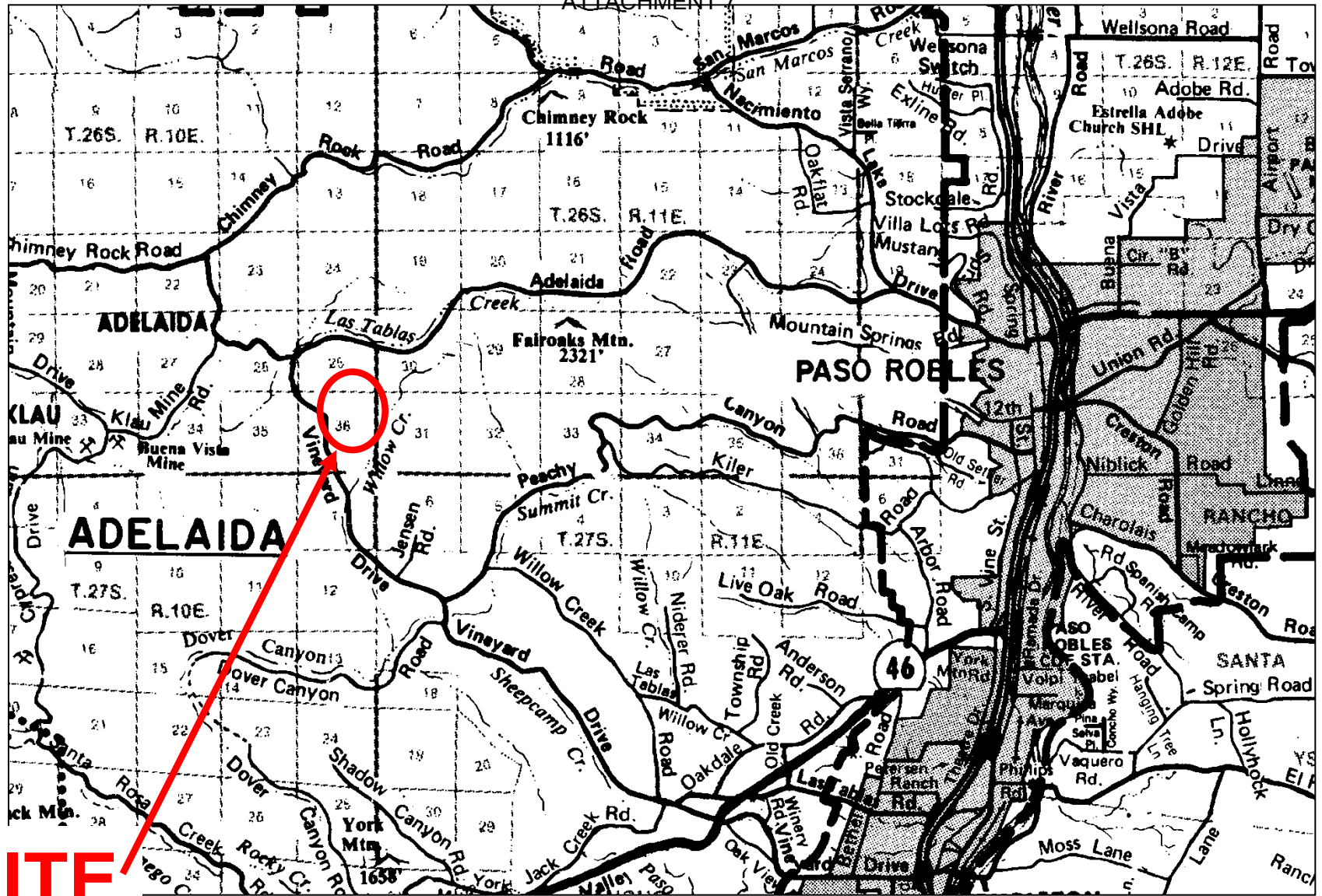
Drainage

6. **At the time of application for construction permits**, the applicant shall submit complete drainage plans for review and approval in accordance with Section 22.52.110 (Drainage) of the Land Use Ordinance.
7. **At the time of application for construction permits**, the applicant shall submit complete erosion and sedimentation control plan for review and approval in accordance with 22.52.120.
8. **On-going condition of approval (valid for the life of the project)**, the project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and / or Phase II storm water program and the County's Storm Water Pollution Control and Discharge Ordinance, Title 8, Section 8.68 et sec.

Recycling

9. **On-going condition of approval (valid for the life of the project)**, the applicants shall provide recycling opportunities to all facility users at all events in accordance with Ordinance 2008-3 of the San Luis Obispo County Integrated Waste Management Authority (mandatory recycling for residential, commercial and special events).

ATTACHMENT 7



Page 1 of 15

SITE

PROJECT

Willow Creek / Minor Use Permit
DRC2013-00028

Page 102 of 358



EXHIBIT

Vicinity Map

ATTACHMENT 5

ATTACHMENT 7

Adelaida

AG

Adelaida Road

AG

Vineyard Drive

AG

SITE

Page 2 of 15

ATTACHMENT 5

PROJECT

Willow Creek / Minor Use Permit
DRC2013-00028

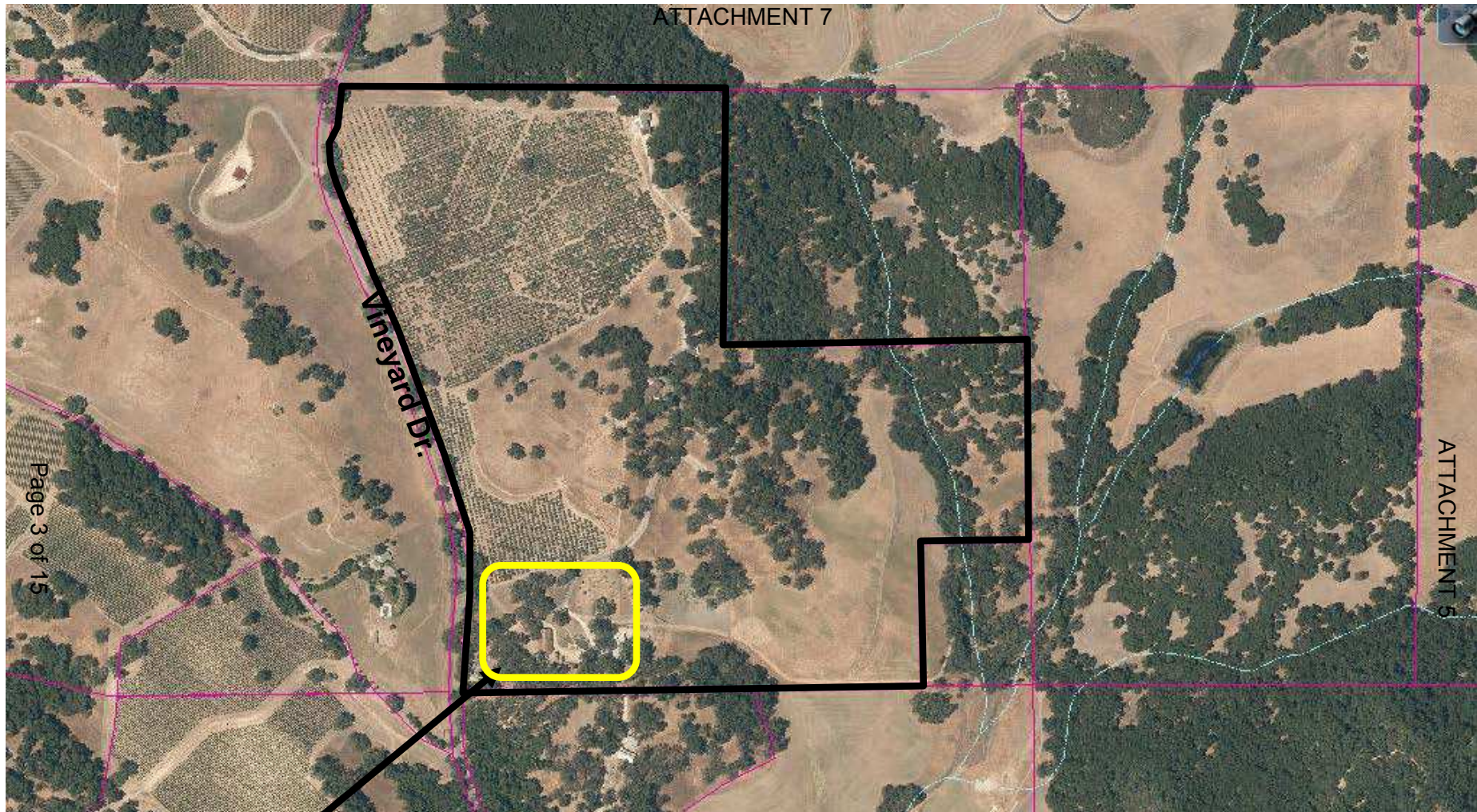
Page 103 of 358



EXHIBIT

Land Use Category

ATTACHMENT 7



SITE

PROJECT

Willow Creek / Minor Use Permit
DRC2013-00028

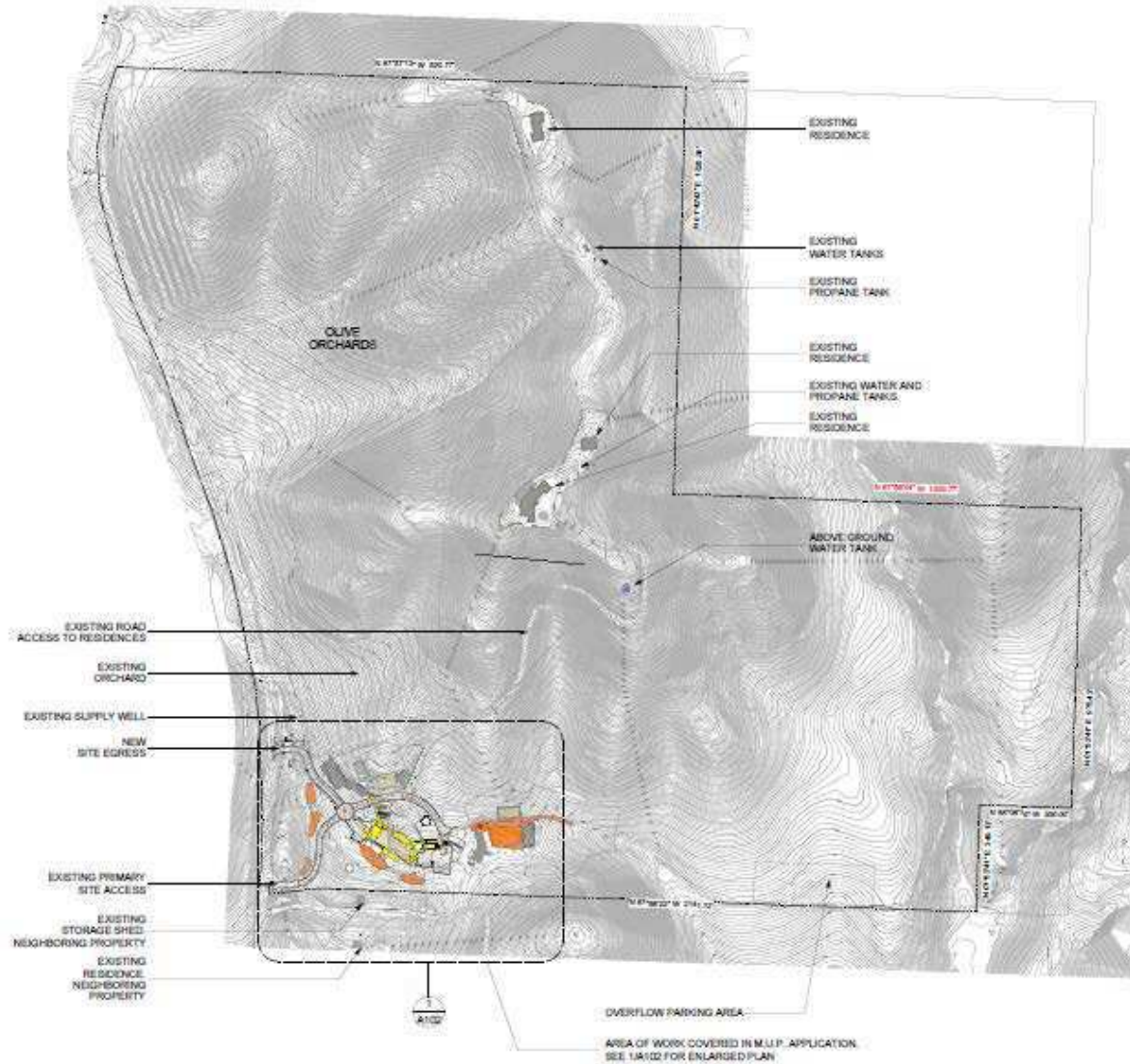
Page 104 of 358



EXHIBIT

Aerial

ATTACHMENT 7



Page 4 of 15

ATTACHMENT 5

PROJECT

Willow Creek / Minor Use Permit
DRC2013-00028

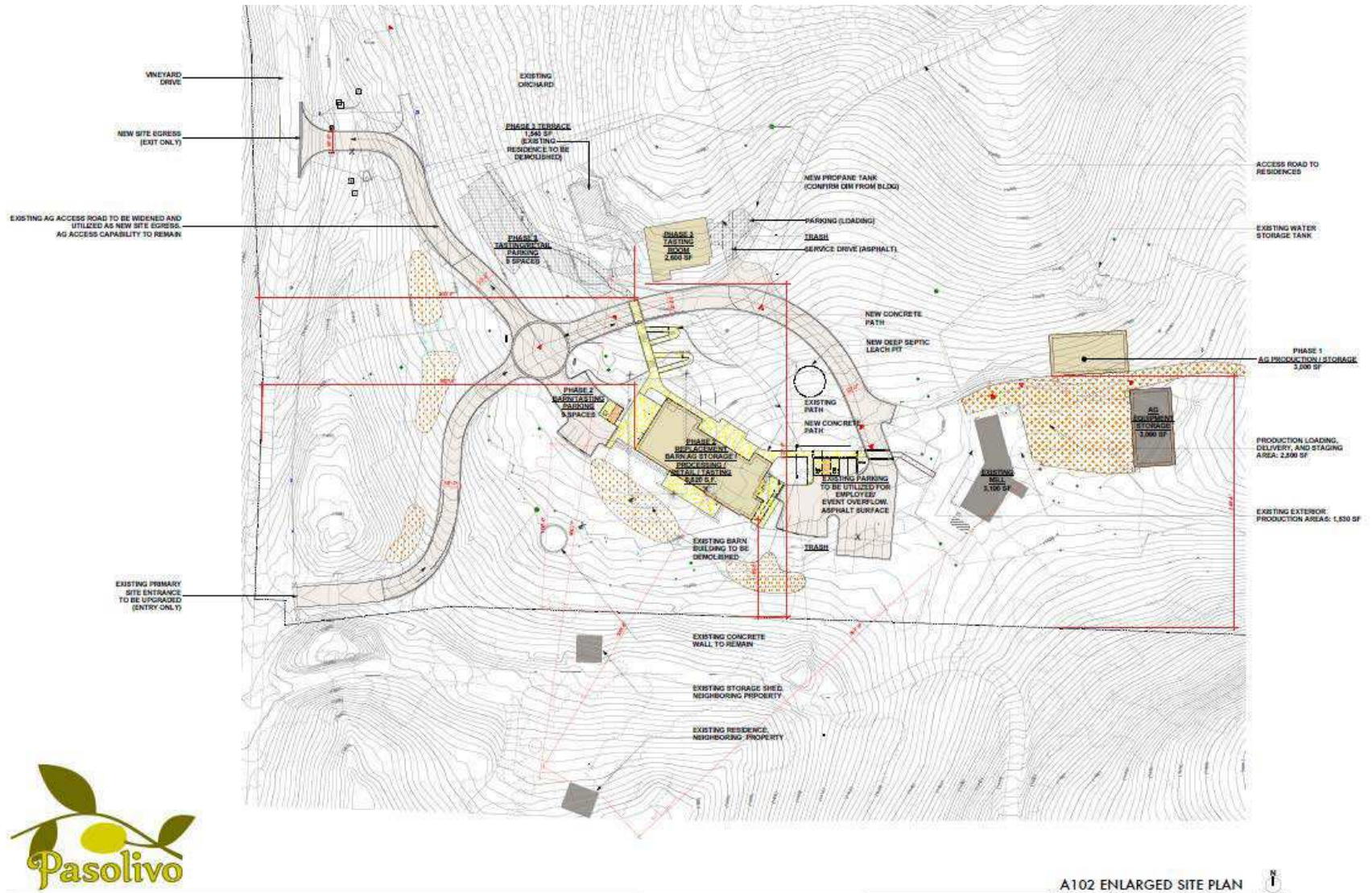
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EXHIBIT

Site Plan

ATTACHMENT 7



ATTACHMENT 5



PROJECT

Willow Creek / Minor Use Permit
DRC2013-00028

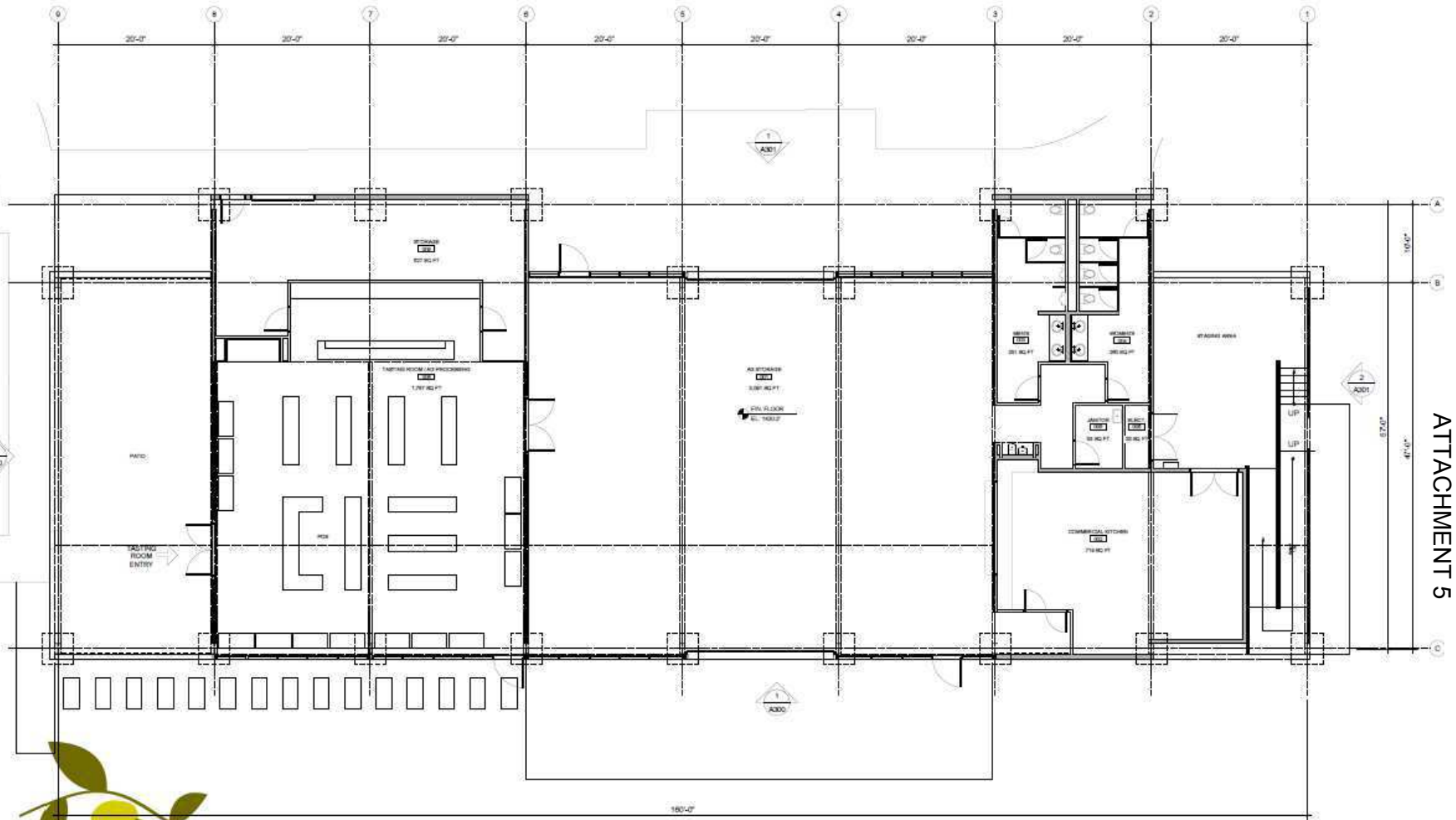


EXHIBIT

Enlarged Site Plan

ATTACHMENT 7

Page 6 of 15



ATTACHMENT 5



8530 VINEYARD DRIVE, PASO ROBLES, CALIFORNIA

14 JULY 2014

A103.1 PHASE 2 : BARN/TASTING GROUND FLOOR PLAN
 SCALE: 1/8" = 1'-0"
 2000 Chartered Avenue - Los Angeles, CA 90008
 310.224.8800
 2012/07/14

PROJECT

Willow Creek / Minor Use Permit
 DRC2013-00028

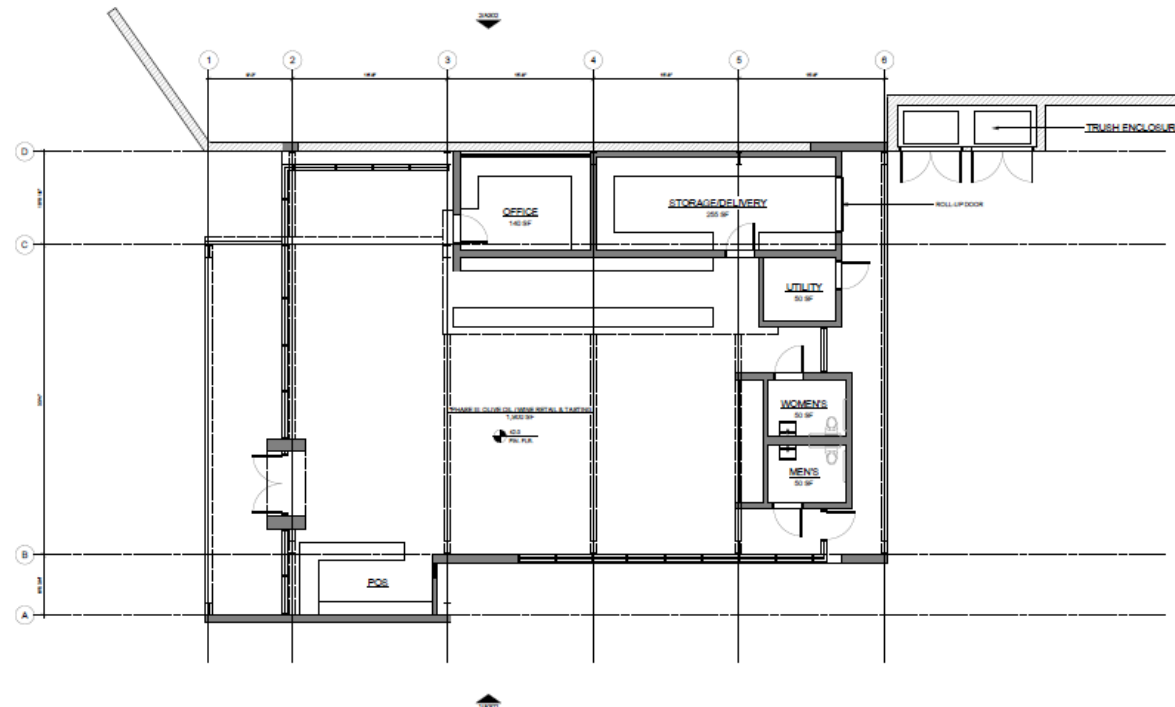
Page 107 of 358



EXHIBIT

Phase 2: Replacement Barn (ag processing and ag storage, tasting room, kitchen, storage, & restrooms)

ATTACHMENT 7



* NOTE:
PHASE 1 TASTING ROOM CONVERTS TO STORAGE (1,472 SF)

A105 PHASE 3 : RETAIL BUILDING GROUND FLOOR PLAN



8530 VINEYARD DRIVE, PASO ROBLES, CALIFORNIA

14 JULY 2014

PROJECT

Willow Creek / Minor Use Permit
DRC2013-00028

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EXHIBIT

Phase 3: Tasting Rm, Retail Sales, Office, Restrooms
and Storage Building / Ground FL

ATTACHMENT 7



PHOTOGRAPH 1



PHOTOGRAPH 2



PHOTOGRAPH 3



PHOTOGRAPH 4



PHOTOGRAPH 5

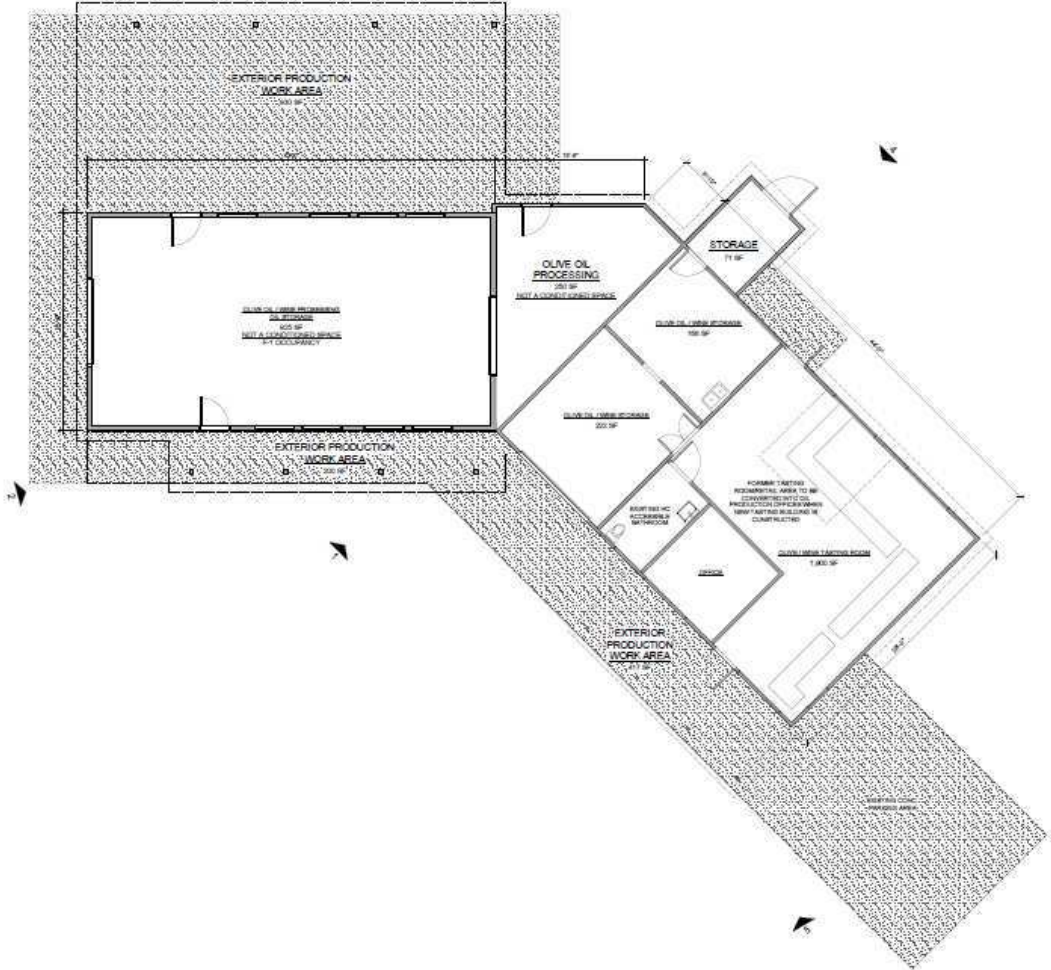
EXISTING MILL BUILDING PHOTOGRAPHS

2



8530 VINEYARD DRIVE, PASO ROBLES, CALIFORNIA

14 JULY 2014



EXISTING MILL BUILDING FLOOR PLAN

1

A107 EXISTING MILL BUILDING INFORMATION



ATTACHMENT 5

PROJECT

Willow Creek / Minor Use Permit
DRC2013-00028

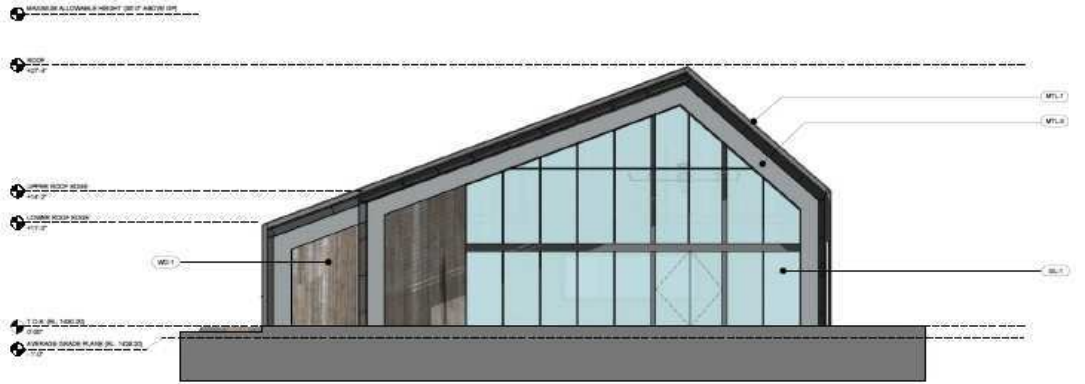
Page 109 of 358



EXHIBIT

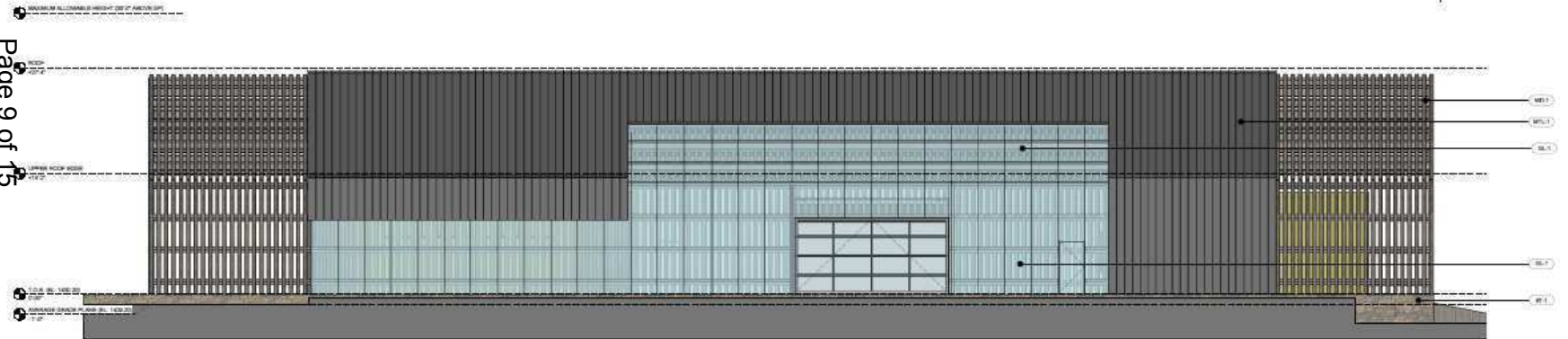
Existing Mill Building

ATTACHMENT 7



WEST ELEVATION

2



SOUTH ELEVATION

1



A300 BARN BUILDING ELEVATIONS

8530 VINEYARD DRIVE, PASO ROBLES, CALIFORNIA

14 JULY 2014



ATTACHMENT 5

PROJECT

Willow Creek / Minor Use Permit
DRC2013-00028

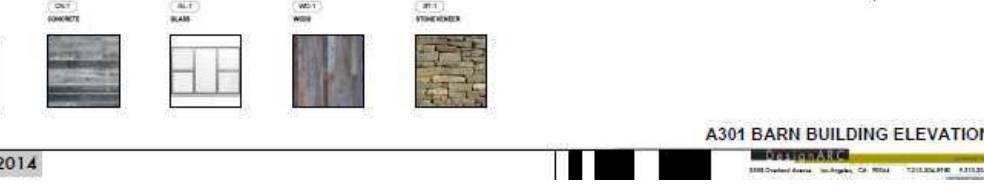
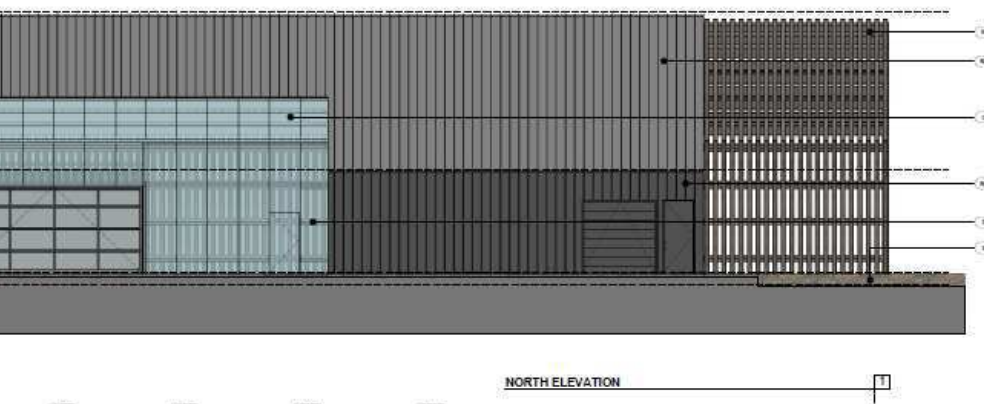
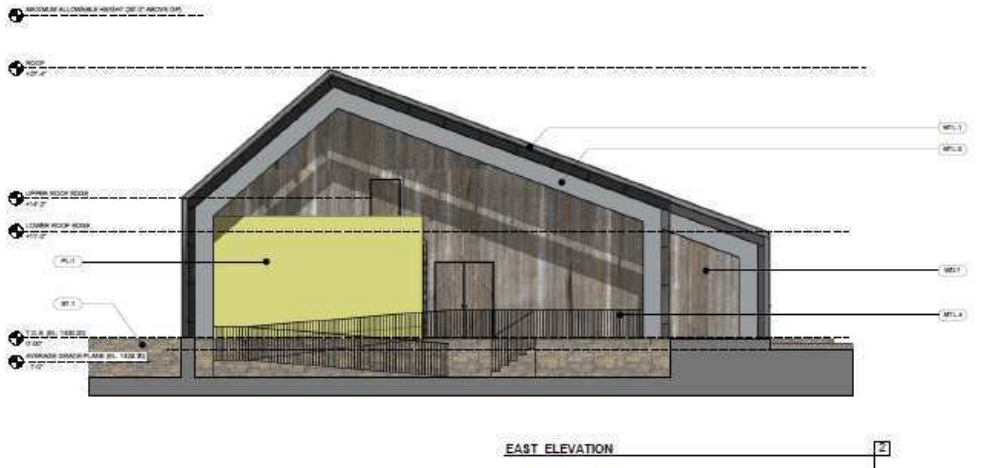
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EXHIBIT

Barn Elevations

ATTACHMENT 7



Page 10 of 15

ATTACHMENT 5



8530 VINEYARD DRIVE, PASO ROBLES, CALIFORNIA

14 JULY 2014

A301 BARN BUILDING ELEVATIONS

8530 Vineyard Drive, Paso Robles, CA 93226

PROJECT

Willow Creek / Minor Use Permit
DRC2013-00028

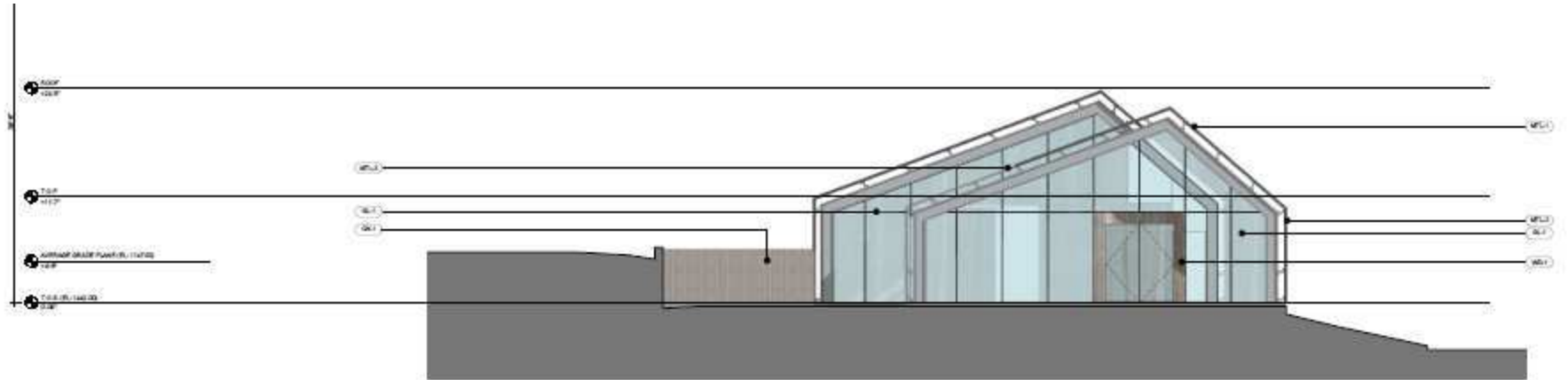
Page 13 of 358



EXHIBIT

Barn Elevations

ATTACHMENT 7



A302 PHASE 3 : RETAIL BUILDING ELEVATIONS

11/18/2013 10:00 AM

530 VINEYARD DRIVE, PASO ROBLES, CALIFORNIA

14 JULY 2014

PROJECT

Willow Creek / Minor Use Permit
DRC2013-00028

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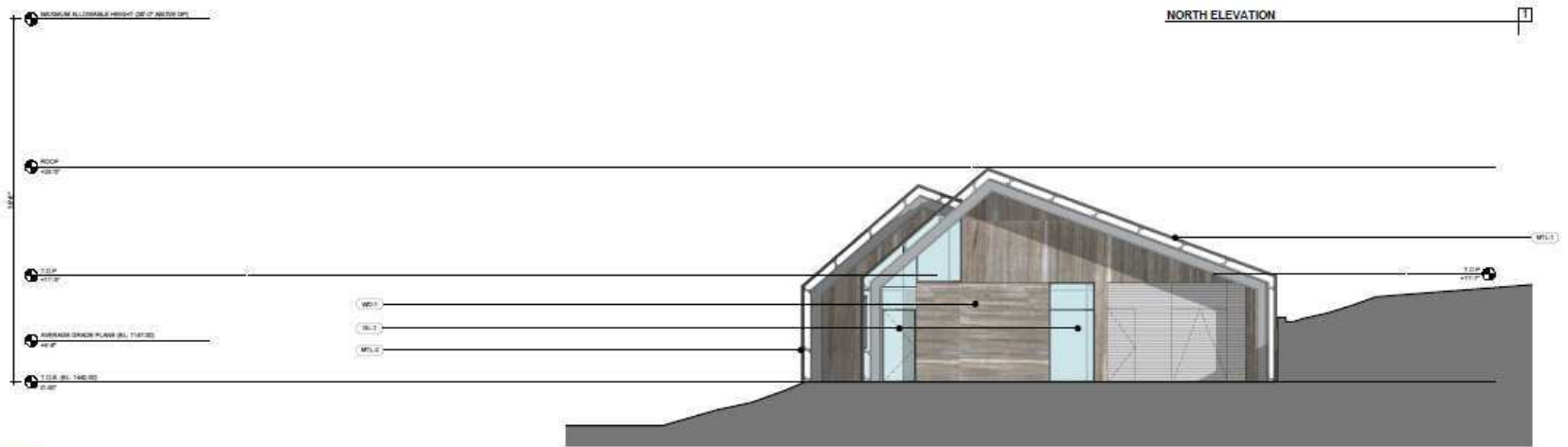
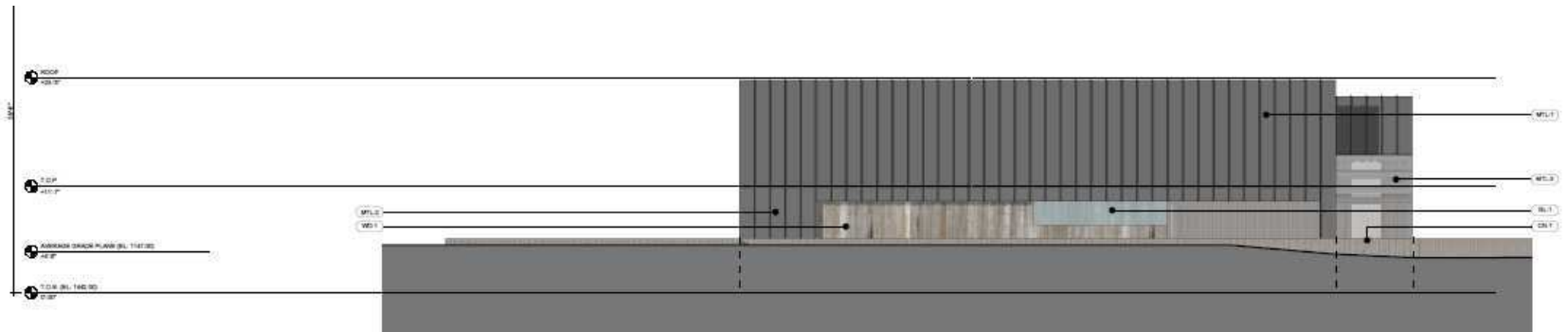
EXHIBIT

Phase 3: Tasting Rm/Retail Sales Elevations

ATTACHMENT 5

Page 11 of 15

ATTACHMENT 7



EAST ELEVATION

A303 PHASE 3 : RETAIL BUILDING ELEVATIONS

8530 VINEYARD DRIVE, PASO ROBLES, CALIFORNIA

14 JULY 2014

1000 Claydon Avenue, Los Angeles, CA 90012 310.254.8000

PROJECT

Willow Creek / Minor Use Permit
DRC2013-00028

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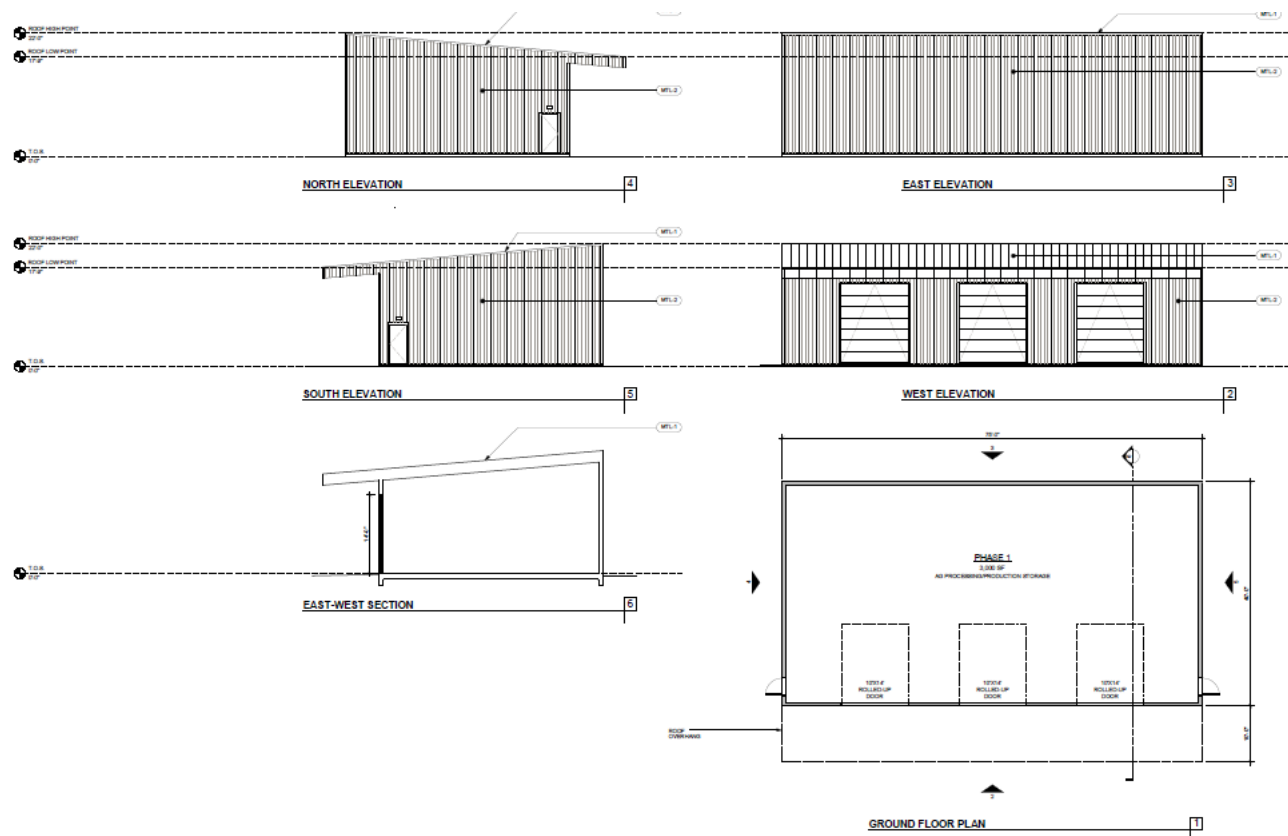
EXHIBIT

Phase 3: Tasting Rm/Retail Sales Elevations

ATTACHMENT 5

Page 12 of 15

ATTACHMENT 7



8530 VINEYARD DRIVE, PASO ROBLES, CALIFORNIA

14 JULY 2014

A304 PHASE 1 : AG PROCESSING / PRODUCTION STORAGE

2000 Cleveland Avenue - Los Angeles, CA 90044 310.224.4470 310.224.4470

ATTACHMENT 5

Page 13 of 15

PROJECT

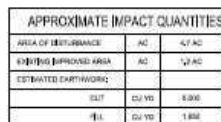
Willow Creek / Minor Use Permit
DRC2013-00028

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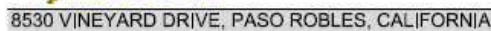


EXHIBIT

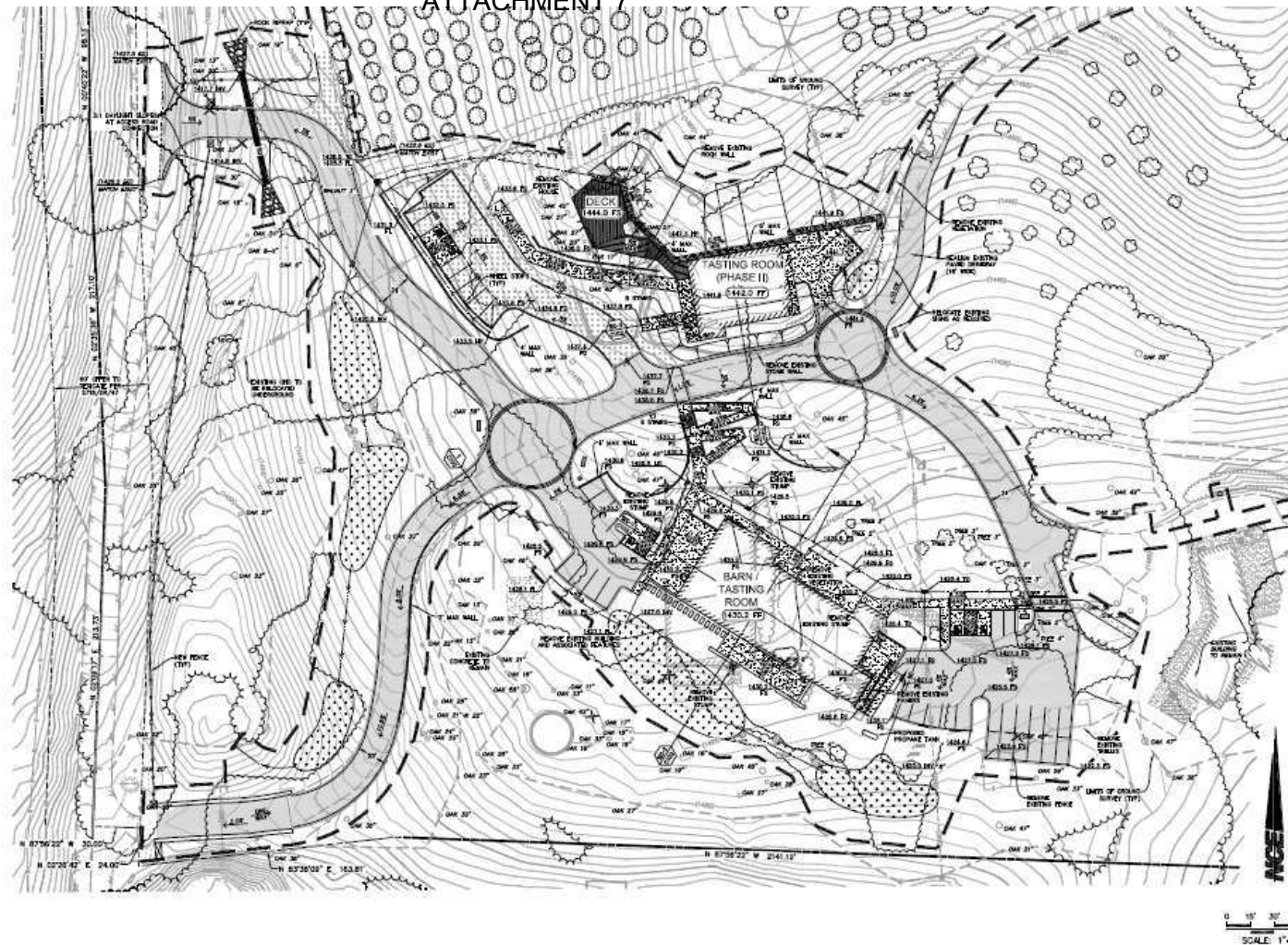
Phase 1: AG Processing / Production Building



NOTE: TOPS WITHIN LIMITS OF GROUND SURVEY IS 1-FOOT
CONTOUR ACCURACY. OUTSIDE OF THE GROUND SURVEY
TOPS LIMIT, 1" CONTOURS HAVE BEEN INTERPOLATED
FROM A 5-FOOT AERIAL TOPS PROVIDED BY OGDEN
STATE AERIAL DATED APRIL 22, 2013, AND ARE SHOWN
FOR CONVENIENCE ONLY.



17 JULY 2014



C101 PRELIMINARY GRADING & DRAINAGE

STRIP **NCE** NORTH COAST ENGINEERING INC.
201.886.1100 • 4100 BROADWAY • SUITE 200 • OAKLAND, CA 94612

Willow Creek / Minor Use Permit
DRC2013-00028

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Preliminary Grading and Drainage Plan



DEPARTMENT OF PLANNING AND BUILDING

Promoting the Wise Use of Land - Helping to Build Great Communities

Date: April 14, 2015
To: Planning Department Hearing Officer
From: Holly Phipps, Project Manager
Subject: Willow Creek Minor Use Permit / DRC2013-00028 / Noise Study dated March 25, 2015
Submitted / Well Report Submitted

On April 2, 2015, the agent submitted a supplemental noise study and well report for the above project. There were some concerns that the first Noise study completed did not adequately address noise issues at the northern property line (see attached Acoustical Analysis by David Dubbink dated March 25, 2015). The report stated:

Because of the distance from the events area to the northern and eastern property lines, there is no likelihood that the noise limits will be exceeded. The most significant noise management concerns are at the southern property (David Dubbink, March 25, 2015).

Additionally, there were some concerns that the water well on the property could not serve the proposed use (see attached well report by Miller Drilling Co. dated December 10, 2014). The well reported concluded that the well produced 104 GPM for 4 hours.

If you have any questions regarding this matter, please contact Holly Phipps at (805) 781-1162.



David Dubbink Associates
864 Osos Street, Suite D
Phone (805) 541-5325, Fax (805) 541-5326
dubbink@noisemanagement.com

March 25, 2015

Ms. Mandi Pickens
Principal Planner
Kirk Consulting
8830 Morro Rd
Atascadero, CA 93422

Topic: Acoustical Analysis for the Pasolivo Events/Olive Oil Production Expansion

Dear Ms Pickens:

On July 5, 2013, we completed an acoustical analysis related to a temporary events permit for the Pasolivo Events/Olive Oil Production Expansion on Vineyard Drive. The analysis concluded that, with the recommended guidelines, sound from event activities will not exceed any of the county's standards. The report included the statement saying that:

Because of the distance from the events area to the northern and eastern property lines, there is no likelihood that noise limits will be exceeded. The most significant noise management concerns are at the southern property boundary.

While the statement was supported by a study of levels at the northern and eastern property boundaries that analysis was not explicitly documented in the report. This letter provides the computations on which the conclusion was based.

This letter is intended to serve as a stand alone report and therefore includes some sections that are redundant with the earlier report. This text does not include the detailed information that report provided on impacts along the southern property line and focuses exclusively on evaluation of impacts from events as they might be experienced at the northern and eastern property lines.

The Project

The larger project involves construction of a new tasting room and additional olive processing facilities. This report addresses only the components of the project that involve the sponsorship of "events". The central focal point for such activities is a barn style building that will replace an existing barn. It may also be that in the future, events will also be held in the vicinity of the new tasting room.



Figure 1: Property Outline

The area outlined in blue in Figure 1, delineates the Pasolivo property. Figure 2 shows an enlargement of the portion of the property proposed for events. Future structures are shown in tan. The events barn is at the location of a present barn but is oriented on a different alignment. Events will be held within the barn and may extend to outdoor terraces at either side.

Events are not presently proposed at the location of the new tasting room but this report includes a consideration of noise management concerns should this be used for events in the future.

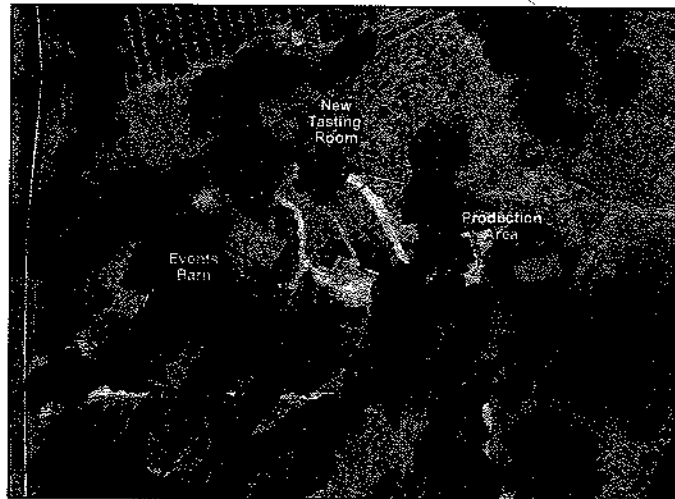


Figure 2: Tasting Room and Event Barn

The Acoustic Setting

The old barn, tasting room and production facilities sit in a small valley at the side of Vineyard Drive. The low lying areas are dotted with large oak trees as are the north facing sides of the surrounding hills. Scant traffic on Vineyard Drive is the only regular noise source. The buildings are set back from the road which forms the site's west property boundary. The events area is located in the southwest corner of the Pasolivo property. As noted, the 2013 report concluded that with the distance from the events area to the northern and eastern property lines, there is no likelihood that noise limits will be exceeded. The most significant noise management concerns are at the southern property boundary.

Sound level readings were taken at the project site on July 3, 2013, starting at 3 PM in the vicinity of the proposed events barn. There was a light breeze from the south but not at levels that would significantly affect measurements. A Brüel & Kjær Precision Integrating Sound Level Meter, Type 2230 was used in making the measurements. The meter was calibrated before and after the survey using a B&K Acoustic Calibrator Model 4231. The readings were determined to be accurate.

The ambient noise levels at the site were around 33 decibels with the level rising by a few decibels when a vehicle drove by on Vineyard Drive. This is a low ambient sound level, typical for rural areas.

The County's Regulatory Structure

"Temporary Special Events" are governed by Section 22.10.210 of the County's Land Use Ordinance. The section does not include explicit standards limiting the noise

produced during events that are not winery sponsored events. This means that noise from non winery events is governed by the County's general standards for noise production.

The County's general standards limiting noise that can be produced by projects are expressed in both an hourly energy average (Leq) and a not-to-be-exceeded peak level (Lmax)¹. The daytime and nighttime standards for exterior noise are shown in Table 1. The first numeric value is the standard and the second, to the right of the slash mark, is the level permitted for sounds consisting primarily of speech or music. Sound levels are to be measured at the property line of noise impacted neighbors.

Table 1: Exterior Noise Standards

	Daytime (7 a.m. to 10 p.m.)	Nighttime (10 p.m. to 7 a.m.)
Maximum level, decibels	70/65	65/60
Hourly Leq, decibels	50/45	45/40

The "Performance"

The site plan shown in Figure 3 shows the position of the future events barn and the new tasting room. The letters show the possible event settings that are discussed in this report.

To determine if sound from activities at the events sites would meet County standards, a test was conducted where a "performance" was simulated using recorded sounds. A high performance speaker was mounted on a stand at a location approximating the location of the terrace that will be constructed on the southwest side of the new barn structure (location "B"). Initially the speaker was oriented to the west and measurements were made at 50 foot and 135 foot distances. Then the speaker was oriented toward the south, toward the closest neighboring property which is 135 feet away. Apart from the trunks of some oak trees, there is nothing blocking the line of site toward the south property line. The test sound was a loop of a performance by Smashing Pumpkins with a musical style the leader describes as "Goth Rock" It has plenty of bass as well as strident electronic tones.

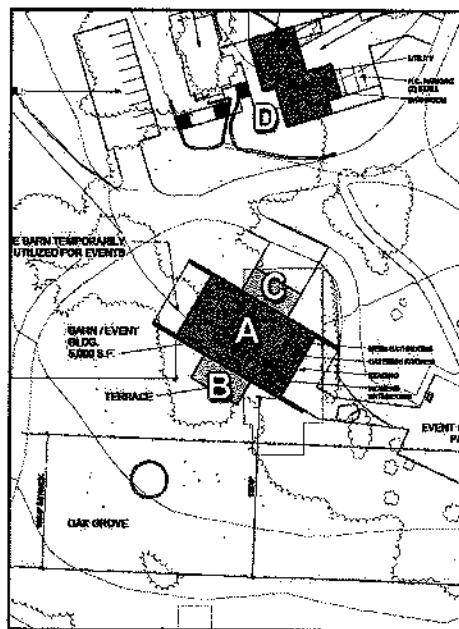


Figure 3: Possible Event Locations

¹ Appendix A provides a reference to acoustic terminology.

Several tests were made. In order to evaluate distance attenuation at the location, sounds were evaluated at 50 and 135 feet from the speaker source. At 50 feet the level was in the range of 73 to 75 decibels measured by Leq, the acoustic energy average. At this distance, the peak levels were at 78 decibels. At 135 feet, which corresponds to the position of the closest property, the averages were around 57 Leq with peaks at 60 decibels Lmax. This was the case for both directional orientations.

Analysis

Any analysis of impact first requires an estimation of the sound levels associated with the individual events. We have made measurements of noise levels produced during outdoor events held in San Luis Obispo County and will use these numbers in evaluating proposed activities. Table 2 shows values for two types of events involving amplified music. The values in the table have been normalized to a 50 foot source-to-listener distance.

Table 2: Sound from Outdoor Events

		Lmax	Leq
Event 1	Amplified Music DJ outdoors	74-80	73-76
Event 2	Amplified Live Band (inside tent)	76	64-67

At the DJ event with amplified music, the sound level was in the 73-78 decibel range at 50 feet. This is similar to the level set in the test "performance". With sound amplified to such a level it is necessary for a person within 50 feet of the source to raise their voice to be understood by someone next to them. While sound levels set to the level used in the test performance might be the norm, some DJs and musical groups may elect to exceed these amplification levels.

The general rule is that sound drops by 6 decibels with a doubling of distance. The measured attenuation during the test "performance" was greater than this; around 12 decibels at the southern property line. In this study we will assume the more conservative 6 decibel, distance doubling effect.

The closest potential event venue with regard to the northern and eastern property lines would be activities proximate the tasting room (Site D on Figure 3). The distance to the northern property line is 2,225 feet and the distance to the eastern boundary is 1,750 feet. Table 3 shows the Lmax and Leq values for amplified music at the maximum assumed performance level attenuated to these distances.

Table 3: Sound Levels at North and East Property Lines

	Distance	Lmax	Leq
Northern property line	2,225 ft.	47	43
Eastern property line	1,750 ft.	49	45

Sound levels at the property line do not exceed the County's daytime standard of 65 Lmax; the maximum level for amplified music. The Leq value at the north property line is less than the 45 decibel standard and is not exceeded at the eastern property line.

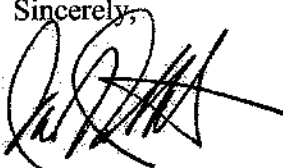
Moreover, the above calculation assumes a direct line of exposure from the source to the receiver. There is a substantial hill north of the event venue would provide additional blocking of sound reaching the northern property line. Drawing a direct line between the elevation of the tasting room and the elevation of the north property line indicates the intervening ridge of the hill provides the sound blocking equivalent of a 100 foot tall noise barrier. A blockage of this magnitude would reduce sound levels in this direction by an additional 20 decibels. The topography in the area is irregular, so the effect would vary but it is evident that sound levels received at the northern property line would be well below the County's standards. The same hill provides screening for much of the eastern property line with the only direct exposure at the extreme south east corner of the property boundary.

Conclusion

The earlier acoustic study recommended that there be a condition that outdoor amplified music cannot exceed Lmax levels of 78 decibels, measured fifty feet from the source. This insures that events do not exceed the County's standards for either Lmax or Leq at the closest neighboring property line. It was also recommended that this condition be made part of any rental agreement for groups making use of the event site. The Pasolivo events manager should have a simple sound level meter to verify the standards.

The recommended condition fixes sound levels at three decibels below the maximum event levels assumed in the preceding analysis. It is evident that noise levels experienced at the property's northern and eastern boundaries will not exceed the County's standards.

Sincerely,

A handwritten signature in black ink, appearing to read 'David Dubbink', with a stylized flourish at the end.

David Dubbink, Ph.D., AICP



DEPARTMENT OF PLANNING AND BUILDING

Promoting the Wise Use of Land – Helping to Build Great Communities

Date: April 14, 2015

To: Planning Department Hearing Officer

From: Holly Phipps, Project Manager

Subject: Willow Creek Minor Use Permit / DRC2013-00028 / Minor Modification to Staff Report

On April 14, Staff made minor revisions to the Staff Report, Findings, and Conditions of Approval, please see the attached Revised Staff Report.

If you have any questions regarding this matter, please contact Holly Phipps at (805) 781-1162.



ATTACHMENT 7
COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT

Tentative Notice of Action

*Promoting the wise use of land
Helping build great communities*

MEETING DATE April 17, 2015	CONTACT/PHONE Holly Phipps (805) 781-1162	APPLICANT Willow Creek NewCo, LLC	FILE NO. DRC2013-00028
EFFECTIVE DATE May 1, 2015			
SUBJECT A request by Willow Creek NewCo, LLC for a Minor Use Permit to allow for the phased expansion of an existing agricultural processing facility (olive oil and wine). Construction is proposed to include demolition and replacement of an existing 6,820 square foot (sf) barn and two new buildings (2,600 sf and 3,000 sf) that will include processing areas, tasting room, retail sales, commercial kitchen, office, and storage. The project also includes a request for 25 temporary events annually with no more than 200 guests per event and to allow for the processing of off-site olives. The applicant is requesting modifications to ordinance standards to allow adjustments to the required setbacks, and an increase to the limits of retail sales area. The project will result in the disturbance of approximately 3.5 acres on a 120 acre parcel. The project will utilize portions of the existing access and infrastructure. The project is located on the east side of Vineyard Road, approximately 1 mile south of Adelaida Road (8530 Vineyard Drive), approximately 7.5 miles west of the community of Templeton, in the Adelaida Sub planning area of the North County Planning Area.			
RECOMMENDED ACTION 1. Adopt the Mitigated Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. 2. Approve Minor Use Permit DRC2013-00028 based on the findings listed in Exhibit A and the conditions listed in Exhibit B			
ENVIRONMENTAL DETERMINATION The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on November 26, 2014 for this project. Mitigation measures are proposed to address aesthetics, biological resources, geology and soils, hazards/hazardous materials, public services/utilities and water/hydrology and are included as conditions of approval.			
LAND USE CATEGORY Agriculture	COMBINING DESIGNATION None	ASSESSOR PARCEL NUMBER 014-331-073	SUPERVISOR DISTRICT(S) 1
PLANNING AREA STANDARDS: Light and Glare			
LAND USE ORDINANCE STANDARDS: Section 22.30.070.2 Agricultural Processing Uses, Olive Oil Production; Section 22.62.050 Minor Use Permit Approval; Section 22.10.090 Heights; Chapter 22.18 Parking and loading; Chapter 22.20 Sign Ordinance; Section 22.10.180 Water quality, Section 22.10.120 Noise Standards; Section 22.30.075 Agricultural Retail Sales – Farm Stands; Temporary Events. Does the project conform to the Land Use Ordinance standards? Yes - see discussion			
FINAL ACTION This tentative decision will become final action on the project, effective on the 15 th day following the administrative hearing, or on May 1, 2015, if no hearing was requested unless this decision is changed as a result of information obtained at the hearing or is appealed.			
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242			

EXISTING USES: Agricultural uses, dry farm olives, olive oil processing and tasting room, three residences	
SURROUNDING LAND USE CATEGORIES AND USES: North: Agriculture; agricultural uses, residence South: Agriculture; agricultural uses, residence East: Agriculture; agricultural uses, residence West: Agriculture; agricultural uses, residence	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Environmental Health, Agricultural Commissioner, CAL FIRE,, Regional Water Quality Control Board, Building Department, and Templeton Area Advisory Group	
TOPOGRAPHY: Gently sloping to moderately sloping	VEGETATION: Grasses , oak woodland, olive trees
PROPOSED SERVICES: Water supply: On-site well Sewage Disposal: Individual septic system Fire Protection: CAL FIRE	ACCEPTANCE DATE: April 22, 2014

HISTORY

On January 2, 2015, this project was approved on the Consent Agenda at the Planning Department Hearing. The project was appealed to the Board of Supervisors noticed for a hearing on March 24, 2015. Planning had requested to continue this item to April 14, 2015.

Due to a procedural error that occurred prior the original Planning Department Hearing, Staff recommended on March 24, 2015, that the Board of Supervisors remand the project back to a Planning Department Hearing. On March 24, 2015, the Board of Supervisors took action and remanded this project to the next available Planning Department Hearing.

PROJECT DESCRIPTION

The proposed project is the phased construction and expansion of an existing agricultural processing facility (olive oil and wine). The proposed project includes an agricultural processing operation which includes the ability to continue to process up to 5,000 cases of wine annually and to increase production of olives to up to 200 tons ~~of olives~~ annually. The winery ~~operation is proposed to include~~ on-site crushing, fermentation, barrel aging, blending, bottling, and case good storage. The project will utilize portions of the existing access and infrastructure. The olive oil operation is proposing to produce olive oil without using solvents that will include on-site pressing of olives and bottling of olive oils. Olives will be processed from both on and off-site olives.

The project phasing includes:

Phase I

- Construction of a 3,000 sf commercial agricultural production and storage building (wine and/or olive);
- 25 Temporary Events (upon completion of secondary access) with no more than 200 guests with amplified music.
- Processing of off-site olives.

Phase II

- Demolition of an existing agricultural barn;
- Construction of a 6,820 sf building (Replacement Barn) to include:
 - 3,091 sf wine processing ~~area~~ aq storage area;
 - 1,787 sf tasting room;

- 627 sf storage room;
- 1,315 sf commercial kitchen, and restrooms;
- Access, parking, and utility improvements;
- Conversion of the existing tasting room (in Mill Barn) into offices when the new tasting is completed (in Phase III).

Phase III

- The construction of a 2,600 sf building to include:
 - 1,900 sf tasting room and retail sales;
 - 460 sf storage, utility and circulation;
 - 140 sf office;
 - 100 sf for restrooms;
 - 1,540 sf outdoor terrace;
 - Conversion of existing tasting room (from Phase II) into storage.

• ~~Processing of off-site olives.~~

ORDINANCE MODIFICATIONS

The project includes several modifications to limitations on use and site design standards including:

1. Agricultural Retail Sales. The applicant is requesting a modification to the ordinance to allow 1,900 sf of retail sales area. Section 22.30.075.B.1 allows for modifications to the amount of floor area devoted to retail sales. A Minor Use Permit may be used to modify limitation on site design standards.
2. Agricultural Retail Sales Setbacks. The applicant is requesting a modification to the ordinance to allow a setback of 307 feet to the nearest residence outside of the ownership of the applicant (Phase II). Section 22.30.075.B.4. states Agricultural Retail Sales shall be located no closer than 400 feet to an existing residence outside the ownership of the applicant. If not possible to maintain 400 feet from a residence outside the ownership of the applicant, the setback can be modified through a Minor Use Permit.
3. Winery Setbacks. The applicant requests a setback modification (Section 22.30.070.D.2.d.1) of the minimum 200 foot setback for winery tasting room to property line requirement to allow 159-93 feet (side setback) for Phase II.

The applicant is requesting a setback modification that requires a winery tasting room to be located no closer than 400 feet to an existing residence outside the ownership of the applicant to allow 307 feet during Phase II. A modification is not required upon completion of Phase III (the detached tasting room would be located 486 feet from the nearest residence).

These setbacks can be modified through Minor Use Permit approval when a Conditional Use Permit is not otherwise required. Approval may be granted only after the Review Authority first determines that the request satisfies any of the following findings: (1) there is no feasible way to meet the required setbacks without creating environmental impacts or impacting prime agricultural land (SCS Class I, II and III); (2) the property fronts an arterial or collector street; (3) the setbacks are not practical or feasible due to existing topographic conditions or existing on-site vegetation or (4) is a legally constructed existing structure that was built prior to 1980 and it can be clearly demonstrated that the structure was intended for a legitimate agricultural or residential use. The proposed project meets number (2) because the project fronts a collector road, Vineyard Drive. Therefore, it appears that the project would qualify for an adjustment to the setback requirement and that granting the adjustment would not result in significant land use conflicts.

Temporary Events. The applicant is requesting 25 temporary events be held on-site per year and is requesting that the event program runs in perpetuity of the land. Events will be designed to showcase Pasolivo's products to help expand their direct to consumer marketing plan. Examples of events include but not limited to: farming symposiums, culinary and art shows, wine and food symposiums, weddings, corporate dinners, and olive oil making seminars. The proposed event program is reviewed using the LUO provisions for Temporary Events (Section 22.30.610) because the events are related to the primary use on site which is olive processing.

On October 6, 2009, the Board of Supervisors adopted a resolution interpreting the Temporary Events Ordinance (Section 22.30.610 of the Land Use Ordinance). The Board of Supervisors concluded that, while a Minor Use Permit can authorize multiple events, the life of the Minor Use Permit shall be defined as part of the approval. This means that temporary events may not be authorized in perpetuity through the granting of a single Minor Use Permit.

The Board of Supervisors did not establish criteria for how long the Minor Use Permit should be in effect. Instead, this decision has been made on a case-by-case basis by the Review Authority. Previous projects have received approval for a period of between 5 and 20 years.

Since the Board has adopted this interpretation, only ~~four~~ six other temporary event authorizations have been granted. The following table compares the four-six previously approved temporary event permits:

Project	Lemm DRC2007-00176	Vogt DRC2008-00047	Waddell DRC2008-00110	Edwards DRC2008-00148	Judd DRC2009-00056	Rava DRC2010-00086
History	Residential, agricultural	Residential, agricultural	Residential, agricultural	Non-profit events	Residential, agricultural	Agriculture
Access	Local road	Arterial highway	Principal arterial	Arterial road	Collector road	Arterial road
Zoning	Agriculture	Agriculture	Agriculture	Residential Rural	Agriculture	Agriculture
Events	20, annually	12, annually	18, annually	16, annually (plus non-profit events)	20, annually	25, annually
Guests	Up to 100	Up to 150	Up to 200	Up to 200	Up to 150	250 to 1000
Life	5 years	8 years	18 years	20 years	15 years	20 years

Therefore, it appears that the project ~~wc~~ could require a sunset clause and for this particular site staffs agrees that life of the temporary event program at this site should be authorized in perpetuity.

In this specific case, staff recommends a 15-year time limit on this Minor Use Permit. This period is being considered, due to specific project-site characteristics:

- History – The site has been successfully operating as an olive processing facility since 2000 and a tasting room since 2007, with no code enforcement violations.
- Access – The site is located on a collector road approximately 7 miles from the community of Templeton.
- Zoning – The site is located within the Agriculture land use category. The majority of temporary event requests come in on land designated Agriculture and subject to Agriculture Element policies designed to protect agricultural production.

PREVIOUS AUTHORIZATIONS

The site currently has an olive processing mill (to process on-site olives) and a tasting room. The olive orchard is over 15 years old and includes a dozen varieties.

A Minor Use Permit (D990187P) authorized the construction of a 1,344 sf olive oil processing facility (for the processing of on-site olives) with a 244 sf covered porch. Retail sales of olive oil were not included as part of the approval.

A Building permit (PMT2004-03307) allowed the construction to build a 1,258 sf addition to the existing olive processing facility.

A Minor Use Permit (DRC2006-00061) authorized the following:

- a. A wine processing and storage facility and a wine and olive oil tasting room to be located in an existing 2,471 square foot olive oil processing and storage facility (3,775 square feet total including a 1,304 square foot outdoor use area).
- b. Special Events consisting of 6 annual events with up to 80 guests.
- c. Special events are limited to 40 days per year.
- d. Amplified music shall only be allowed from 10 a.m. to 5 p.m. No amplified music shall occur before 10 a.m. or after 5 p.m.

The Winery Special Event program was never vested because the required secondary access was never constructed.

LAND USE ORDINANCE STANDARDS

Ordinance Compliance:

Section 22.30.070.A.2 requires a Minor Use Permit approval where any of the raw materials being processed are not grown on site of the processing facility or on adjacent parcels shall be subject to a Minor Use Permit approval.

The project is subject to Land Use Ordinance section 22.30.070.A.1 and 2, wineries and olive oil production. Section 22.30.070 sets forth standards for development including but not limited to access, setbacks, parking, design, screening, lighting and tasting rooms.

Title 22, Section - 22.30.610 - Temporary Events is an allowable use on Agriculture land subject to the land use permit required by the specific use standards in Section 22.30.610 and is subject to Minor Use Permit approval.

Olive Processing (Section 22.30.070)			
Standard	Required	Proposed	In Compliance
Permit Required	Minor Use Permit required to process off-site olives	Processing of off-site olives proposed; Minor Use Permit submitted	Yes
Minimum Site Area	5 acres	120 acre	Yes
Parking	None, provide ample space for visitor and employees	Ample space exists	Yes
Setbacks from property lines (PL):	200 feet from property lines	New processing (3,000 sf bldg. A) / storage bldg. will be 244 feet from PL; Existing mill-processing bldg. is located 95 feet from PL (authorized by previous Minor Use Permit)	Yes

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Olive Processing continued (Section 22.30.070)			
Setbacks from residences outside of the ownership of the applicant	No closer than 500 feet to existing residence outside of applicant ownership	Greater than 500 feet	Yes
Lighting	Lighting fixtures are required to be shielded	None proposed	Yes, as conditioned
Solid waste disposal	Pomace may be used as fertilizer or soil amendment	Pomace will be used and composted on site; project conditioned to meet this requirement	Yes as conditioned
Design Exterior	Wineries shall have an exterior design styles that is agricultural or residential in nature.	Proposed buildings for winery use / olive use have an agricultural design style	Yes
Tasting room and retail sales	Shall be incidental to primary use; on-site tasting rooms subject to Section 22.30.075 (Agricultural Retail Sales – Farm Stands, refer to attached chart)	Tasting incidental to primary use	Yes
Liquid waste disposal	Winery wastewater - standards set through RWQCB Domestic wastewater - leach lines shall be located at least 100 feet from any private well	Currently the applicant does not have a discharge permit Applicant will be required to obtain all necessary permits	Yes, as conditioned

Agricultural Retail Sales (Section 22.30.075)			
<u>Standard</u>	<u>Required</u>	<u>Proposed</u>	<u>In Compliance</u>
Agricultural Retail Sales	Sales area limitation shall be limited to a 500 sf; unless authorized by Minor Use Permit	1,900 sf of sales area	Yes
Agricultural Retail Sales / Setbacks	<ul style="list-style-type: none"> 50 feet from front setback 30 feet from side setback 30 feet from rear setback 	<ul style="list-style-type: none"> Greater than 50 feet Greater than 30 feet Greater than 30 feet 	

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Continued Agricultural Retail Sales / Setbacks	<ul style="list-style-type: none"> no closer than 400 feet to any residence outside of the ownership of the applicant; unless authorized by Minor Use Permit 	<ul style="list-style-type: none"> *307 feet 	Yes, modification requested for Replacement Barn (Phase II)
Parking	1 per 250 sf of structure or outdoor display area; Retail area consists of 1,900 sf; 10 spaces required;	<ul style="list-style-type: none"> 10 	Yes

Wineries (Section 22.30.070)			
Standard	Required	Proposed	In Compliance
Minimum Site Area	20 acres for wineries with special events	The subject property is not requesting winery special events	Yes
Access location	Wineries with tasting room, retail sales, special events located on or within 1 mile of arterial or collector	Winery is located on Vineyard Dr. a collector road.	Yes
Setbacks from property lines (PL):	<p>100 feet required for wine processing buildings</p> <p>200 feet for Tasting Room</p>	<p>New processing / storage bldg. (bldg. A) is 244 feet from PL; Existing mill-processing bldg. is located 95 feet from PL (authorized by previous Minor Use Permit)</p> <p>Existing and previously approved existing tasting room building is 95 feet from PL; Phase II temporary tasting room <u>and relocated wine production area</u> is <u>459</u> <u>93</u> feet from PL Phase III tasting room will be 365 feet from PL.</p>	Yes, modification requested for Replacement Barn (Phase II)
Setbacks from residences outside of the ownership of the applicant	<p>200 feet for wine processing buildings</p> <p>400 feet for tasting room</p>	<p>Greater than 500 feet</p> <p>3075 feet, modification required; No setback modification required for Phase III – tasting room will be 487 feet from nearest neighbor</p>	Yes, modification requested for Replacement Barn (Phase II)

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Screening	If visible from the public road wineries shall be screened.	Landscape plan submitted	Yes
Lighting	Lighting fixtures are required to be shielded	Project conditioned to meet this requirement	Yes
Solid waste disposal	Pomace may be used as fertilizer or soil amendment	Pomace will be used and composted on site; project conditioned to meet this requirement	Yes
Design Exterior	Wineries shall have an exterior design styles that is agricultural or residential in nature.	Proposed buildings for winery use / olive use have an agricultural design style	Yes
Wineries continued (Section 22.30.070)			
Tasting room	One tasting room allowed for each winery	No wine tasting occurs on site because no wine is being produced at this time Wine tasting previously approved in Mill Barn, will be relocated; applicant not requesting (2) wine tasting rooms	Yes
Liquid waste disposal	Winery wastewater - standards set through RWQCB Domestic wastewater - leach lines shall be located at least 100 feet from any private well	Currently the applicant does not have a discharge permit Applicant will be required to obtain all necessary permits	Yes, as conditioned

Temporary Events (Section 22.30.610)			
<u>Standard</u>	<u>Required</u>	<u>Proposed</u>	<u>In Compliance</u>
Temporary Events	Allowable on agricultural land subject to Minor Use Permit	Minor Use Permit submitted	Yes
Time Limits	Events may not occur more than 12 consecutive days; Events may not occur more than 4 consecutive weekends	25 temporary events with up to 200 people	Yes, as conditioned

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Temporary Events continued (Section 22.30.610)			
Located greater than 1,000 feet from land zoned single-family residence	Surrounding property zoned Agricultural	Surrounding property zoned Agricultural	Yes
Access	Provide (2) two 18 feet wide access points	Existing 18 foot wide primary access; proposing 18 to 22 foot wide secondary access; both roads connect to Vineyard Drive	Yes
Parking	400 sf per vehicle; Located on open areas with slopes of 10 % or less, free of combustible material; 200 person event would require 32,000 sf	Ample space exists around existing and proposed buildings and driveway areas.	Yes
Fire Safety	To be provided by CAL FIRE	CAL FIRE has issued Fire Safety Clearance letter	Yes as conditioned
Water and Wastewater	Facilities to be provided as required by Environmental Health	Environmental Health has reviewed; permits may be required	Yes as conditioned

Miscellaneous Ordinance Sections			
Signs (Section 22.60.060)	Maximum of 100 sf of signage; one free standing or monument	(2) 40 sf monument metal plaques fastened to pilasters; (4) 4 sf directional signage markers for a total of 96 sf	Yes
Limitation on Use / Noise (Section 22.10.120)	Hourly Leq, decibels - 50 daytime, 45 nighttime Maximum level, decibels - 70 daytime, 65 nighttime	25 temporary events per year proposed Acoustical Analysis requires mitigation to meet required standards	Yes, as conditioned
Height (Section 22.10.090)	35 feet	Less than 35 feet	Yes

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PLANNING AREA STANDARDS: The Adelaida sub area standards requires all land use permit applications to provide an exterior lighting plan and that all proposed lighting be shielded. The winery ordinance also requires shielded lighting. Future lighting will be required to follow the ordinance and planning area standard requirements.

COMMUNITY ADVISORY GROUP COMMENTS: Templeton Area Advisory Group supported the request on January 16, 2014. The group's areas of concern include up-lighting of signs and trees and tree removal. Conditions have been included to address these concerns.

AGENCY REVIEW:

Public Works – Stock conditions have been applied to project per referral response dated March 14, 2014; Revised referral response dated March 24, 2014 attached (Referral Response dated November 8, 2014 was in the file and was mistakenly attached to the Mitigated Negative Declaration);

CAL FIRE – See attached Fire Safety letter dated August 26, 2014, secondary access required for events; fire sprinklers required;

Ag Commissioner- Overflow parking should be located at least 100 feet from the southern property line;

RWQCB – No comments submitted; Approval of discharge from RWQCB will be necessary;

Environmental Health – An annual permit may be required for the water supply at this facility;

Building Division – Verify that all existing structures have legally approved permits; fire sprinklers may be required regardless of what fire jurisdiction may waive.

LEGAL LOT STATUS: The lot was legally created by a recorded map at a time when that was a legal method of creating lots.

Staff report prepared by Holly Phipps and reviewed by Karen Nall.

EXHIBIT A - FINDINGS

Environmental Determination

- A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on November 26, 2014 for this project. Mitigation measures are proposed to address aesthetics, biological resources, geology and soils, hazards/hazardous materials, public services/utilities and water/hydrology and are included as conditions of approval.

Minor Use Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 22 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the proposed expansion of the existing agricultural process facility and retail sales does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the expansion of the existing agricultural process facility and retail sales is similar to, and will not conflict with, the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on Vineyard Drive, a collector road constructed to a level able to handle any additional traffic associated with the project

Winery Modifications

- G. A setback modification (Section 22.30.070.D.d.1) that requires a winery ~~tasting-with~~ public tasting room to be located no closer than 400 feet to an existing residence outside the ownership of the applicant to allow 3079 feet during Phase II is justified because the project is located on a collector road. A modification is not required upon completion of Phase III (the detached tasting room would be located 486 feet from the nearest residence). Implementation of the reduced setback would not result in any significant impacts. A modification that requires a tasting room during Phase II (Replacement Barn) to be located greater than 200 feet from the property line to allow ~~459-93~~ feet side setback is justified because the property fronts a collector road (Vineyard Drive). Implementation of the reduced setback would not result in any significant impacts.

Design Modification

- H. A modification from the Design standards (Section 22.30.075.B.1) to allow 1,900 sf of retail sales area is justified because the applicant is increasing olive production is located on a collector road, and the use is incidental to the primary use. Implementation of the modification to the design standards would not result in any significant impacts.

Agricultural Retail Sales Setback Modification

- I. A modification from the setbacks that requires Agricultural Retail Sales (Section 22.30.057.B.4) to be located no closer than 400 feet to an existing residence outside the ownership of the applicant to allow 307 feet is justified because the project is located on Vineyard Drive, a collector road. Implementation of the reduced setback would not result in any significant impacts (Replacement Barn Phase II).

EXHIBIT B - CONDITIONS OF APPROVAL

Approved Development

1. This approval authorizes the phased expansion of an existing agricultural processing facility (olive oil and wine). Construction is proposed to include demolition and replacement of an existing 6,820 square foot (sf) barn and two new buildings (2,600 sf and 3,000 sf) that will include processing areas, tasting room, retail sales, commercial kitchen, office, and storage. The project also includes a request for 25 temporary events annually with no more than 200 guests per event and to allow for the processing of off-site olives. The project will result in the disturbance of approximately 3.5 acres on a 120 acre parcel.

Phase I

- a. Construction of a 3,000 sf commercial agricultural production and storage building (for wine and/or olives);
- b. Up to 25 one day Temporary Events with no more than 200 guests (upon completion of secondary access) as defined by the Temporary Event standards in Section 22.30.60 of the Land Use Ordinance;
- c. This authorization for Temporary Events, once vested, shall remain valid for a period of 15 years from its effective date;
- d. Continuation of a Annual wine production of 5,000 cases and an annual production of 200 tons of olives for processing;
- e. The winery may participate in periodic industry-wide events as allowed by the Land Use Ordinance;

e.f. Processing of off-site olives

Phase II

- f.g. Demolition of an existing agricultural barn;
- g.h. Construction of a 6,820 sf building (Replacement Barn) to include:
 - 1) 3,091 sf wine processing area and ag storage area;
 - 2) 1,787 sf tasting room;
 - 3) 627 sf storage room;
 - 4) 1,315 sf commercial kitchen, and restrooms;
 - 5) Access, parking, and utility improvements;
 - 6) Conversion of the existing tasting room (in Mill Barn) into offices upon completion of new tasting room; (Phase III);

Phase III

- h.i. The construction of a 2,600 sf building to include:
 - 1) 1,900 sf tasting and retail room;
 - 2) 460 sf storage room;
 - 3) 140 sf office;
 - 4) 100 sf for restrooms;
 - 5) 1,540 sf outdoor terrace;
 - 6) Convert existing tasting room in barn (from Phase II) into storage;
- i. Processing of off-site olives;
- j. A wavier modification from the Design standards (Section 22.30.075.B.1) to allow 1,900 sf of retail sales area;

- k. A waiver modification from the setbacks that requires Agricultural Retail Sales (Section 22.30.057.B.4) to be located no closer than 400 feet to an existing residences outside the ownership of the applicant to allow 307 feet.
- l. A waiver setback modification (Section 22.30.070.D.d.1) that requires a winery tasting room to be located no closer than 400 feet to an existing residence outside the ownership of the applicant to allow 307~~9~~ feet during Phase II. A modification is not required upon completion of Phase III (the detached tasting room would be located 486 feet from the nearest residence).

Conditions to be completed prior to issuance of a construction permit

Fees

2. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.

Biological Resources

3. **BR-1 Prior to issuance of construction and/or grading permits**, the applicant shall clearly show all oak trees within 50 feet of grading activities on the grading plans. In addition to showing the limits of grading, the grading plans shall also designate which oak trees are to be removed and which oak trees will be impacted by grading activities occurring within the root zone (one and one half times the dripline). Oak trees within 50 feet of grading activities, which are not designated for removal, shall be fenced and flagged for protection prior to permit issuance. Fencing shall be clearly shown on the grading plans to be located at the root zone for trees not designated for removal. For impacted trees, where grading activities will occur within the root zone, fencing may be placed at the limits of grading activities. Any tree removal associated with CDF/County Fire vegetative clearance/modification requirements shall also be considered on the plans.
4. **BR-2 Prior to issuance of construction and/or grading permit**, the applicant shall provide a tree replacement plan for review and approval by the Environmental Coordinator. The replacement plan shall demonstrate compliance with the following measures:
 - a. **Number of Trees** – The tree replacement plan shall provide for the replacement, in kind, of removed oak trees at a 4:1 ratio. Additionally, the tree replacement plan shall provide for the planting, in kind, at a 2:1 ratio for oak trees designated for impact but not removal.
 - i. Show replacement, in kind, of removed oaks at a 4:1 ratio (13 removed: 52 replaced) with 1 gallon saplings.
 - ii. Show replacement, in kind, of impacted oaks at a 2:1 ratio (25 impacted: 50 planted) with 1 gallon saplings.
 - iii. A total of 94 oak shall be planted, show replacement of 10 coast live oaks and 84 valley oaks.
 - b. **Location/Density** – The location shall be clearly shown on the plans. Trees shall be planted at no greater a density than the average density in the existing oak woodland area on the site. Location of newly planted trees should adhere to the following, whenever possible: on the north side of and at the canopy/dripline edge of existing mature native trees; on north-facing slopes; within drainage swales (except when riparian habitat present); where topsoil is present; and away from continuously wet areas (e.g. lawns, leach lines).

- c. Species – Trees shall be of the same species of the trees proposed for impact or removal. The species shall be clearly specified on the plans.
 - d. Size – Replacement oak trees shall be from either vertical tubes or deep, one-gallon container sizes.
 - e. Planting – Replanting shall be completed as soon as it is feasible (e.g. irrigation water is available, grading done in replant area). Replant areas shall be either in native topsoil or areas where native topsoil has been reapplied. If the latter, top soil shall be carefully removed and stockpiled for spreading over graded areas to be replanted (set aside enough for 6-12" layer). If possible, planting during the warmest, driest months (June through September) shall be avoided. In addition, standard planting procedures (e.g., planting tablets, initial deep watering) shall be used.
 - f. Maintenance – Newly planted trees shall be maintained until successfully established. This shall include protection (e.g. tree shelters, caging) from animals (e.g., deer, rodents), regular weeding of at least a three foot radius out from the planting, and adequate watering (e.g., drip-irrigation system). Hand removal of weeds shall be kept up on a regular basis at least once in late spring (April) and once in early winter (December).
 - g. Irrigation/Watering – Irrigation details shall be clearly shown on the plans. Watering should be controlled so only enough is used to initially establish the tree, and reducing to zero over a three year period.
5. **BR-3 Prior to commencement of any tree removal**, to avoid conflicts with nesting raptors, construction activities shall not be allowed during to the nesting season (March to July), unless a county-approved, qualified biologist has surveyed the impact zone and determined that no nesting activities will be adversely impacted. At such time, if any evidence of nesting activities are found, the biologist will determine if any construction activities can occur during the nesting period and to what extent. The results of the surveys will be passed immediately to the County Environmental Division, possibly with recommendations for variable buffer zones, as needed, around individual nests. The applicant agrees to incorporate those recommendations approved by the county.

Bats

6. **BR-13 Prior to issuance of construction and/or grading permit for the appropriate phase**, to ensure the project does not adversely affect bats, the following measures shall be implemented:
- a. All trees and structures will be surveyed by a qualified biologist at least one week prior to branch trimming, tree removal, demolition or maintenance to a structure. This is consistent with the measures prescribed for nesting birds. If a bat is discovered, it will be allowed to leave the area or structure on its own without further disturbance. If a day roost is discovered, exclusion methods may be employed September 1 through March 1. Exclusion methods must ensure that no bats are harmed or trapped in the process and that the biologist is present during the process. Once the bat(s) has left the work area, exclusion methods such as covering the cavity with netting or sealing it with concrete may be feasible, but will require approval and oversight by the project biologist. If a day roost is discovered, no exclusion methods shall be employed and no disturbance shall be allowed March through August.

Health Department

7. **Prior to issuance of a construction permit** for the appropriate phase, the applicant shall obtain the appropriate Health Department permits. The Health Department will require at a minimum the following information:
- a. A Hazardous Materials Questionnaire.

- b. If plan review for a cross connection determines that a device is necessary, then an annual device test shall be provided.
- c. The applicant shall require a health permit to function as a commercial kitchen. The applicant shall submit kitchen plans for review and approval by the Environmental Health Department.
- d. If water is made available to 25 or more employees at any one time, or to members of the public, then the applicant shall be required to have public water supply system.
- e. The applicant shall submit a site plan showing the location of water wells and the distance from wastewater systems.
- f. **(W-1) Prior to holding any temporary events**, the applicant shall contact the Environmental Health Department to verify water supply adequacy and potability as for the proposed project. The applicant shall contact the Environmental Health Department to determine if an annual permit will be required for the water supply at this facility.

Conditions required to be completed at the time of application for construction permits

Access

8. **At the time of application for construction permits**, the applicant shall provide evidence to the Department of Planning and Building that onsite circulation and pavement structural sections have been designed and shall be constructed in conformance with Cal Fire standards and specifications back to the nearest public maintained roadway.

Drainage

9. **At the time of application for construction permits**, the applicant shall submit complete drainage plans for review and approval in accordance with Section 22.52.110 (Drainage) of the Land Use Ordinance.
10. **At the time of application for construction permits**, the applicant shall submit complete erosion and sedimentation control plan for review and approval in accordance with 22.52.120.

Site Development

11. **At the time of application for construction permits** plans submitted shall show all development consistent with the approved site plan, floor plan, architectural elevations, preliminary grading plan and landscape plan.

Services

12. **At the time of application for construction permits**, the applicant shall submit evidence that a septic system, adequate to serve the proposal, can be installed on the site.

Fire Safety

13. **At the time of application for construction permits**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Requirements shall include, but not be limited to those outlined in the Fire Safety Plan, prepared by the CAL FIRE/County Fire Department for this proposed project and dated August 26, 2014.

Agricultural

14. **AG-1 At the time of application for construction permits**, submit a revised site plan to the Department of Planning and Building for review and approval. The revised plan shall indicated the following and development shall be consistent with the revised and approved plan.

- a. Event overflow parking shall be located at least 100 feet from the southern property line to reduce impacts to adjacent agricultural operation.

Visual

15. **V-1 At the time of application for construction permits**, submit a revised lighting plan to the Department of Planning and Building for review and approval. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored. The revised plan shall indicate the following and development shall be consistent with this revised and approved plan:
 - a. No up-lighting of any oak trees and signs.

Conditions to be completed prior to occupancy or final building inspection / establishment of the use

Access

16. **Prior to occupancy or final inspection**, the Vineyard Drive primary driveway approach shall be constructed in accordance with County Public Improvement Standard B-1e. The secondary access driveway is to be constructed to a B-1 Standard. All driveway approaches constructed on County roads shall require an encroachment permit.
17. **Prior to occupancy or final inspection**, all public improvements have been constructed or reconstructed in accordance with County Public Improvement Standards and to the satisfaction of the County Public Works Inspector.

Waste Water Discharge Permit

18. Prior to final inspection of Phase I, the applicant shall submit documentation of a Waste Water Discharge permit, or waiver for the olive processing and winery processing issued by the Regional Water Quality Control Board.

CAL FIRE

19. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection and approval from CAL FIRE of all required fire/life safety measures.

Planning and Building Inspection

20. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

Oak Trees

21. **BR-4 Once trees have been planted**, the applicant shall retain a qualified individual (e.g., landscape contractor, arborist, nurseryman, botanist) to prepare a letter stating how and when the above planting and protection measures have been completed. This letter shall be submitted to the Department of Planning and Building.
22. **BR-5 Prior to final inspections or occupancy, whichever occurs first**, replacement trees shall be installed or bonded for in compliance with the approved tree replacement plan. If bonded for, installation shall be completed within 60 days of bonding.
23. **BR-6 Prior to final inspections, or prior to release of bonding (if applicable)**, the applicant shall have completed the following as it relates to weed removal around newly planted vegetation: 1) no herbicides shall have been used; 2) either installation of a securely staked "weed mat" (covering at least a three-foot radius from center of plant), or hand removal of weeds (covering at least a 3' radius from center of plant) shall be completed for

each new plant. Use of weed-free mulch (at least 3 inches deep) with regular replenishment may be substituted for the weed-mat.

On-going conditions of approval (valid for the life of the project)

Time Frames

24. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 22.64.070 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 22.64.080 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
25. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 22.74.160 of the Land Use Ordinance.

Access

26. In accordance with County Code Section 13.08, no activities associated with this permit shall be allowed to occur within the public right-of-way including, but not limited to, project signage; tree planting; fences; etc without a valid Encroachment Permit issued by the Department of Public Works.

Storm Water Control

27. **On-going condition of approval (valid for the life of the project)**, the project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and / or Phase II storm water program and the County's Storm Water Pollution Control and Discharge Ordinance, Title 8, Section 8.68 et sec.

Noise

28. **N-1** During Temporary events that include amplified music, the owners shall monitor noise levels, on an hourly basis, with a sound level meter at the property lines to ensure that the noise levels do not exceed those prescribed in the County Land Use Ordinance.
- a. Replacement Barn (doors open) – meets the County noise standards for day and nighttime events with the following mitigation:
 - i. South doors shall be closed
 - ii. North doors can remain open
 - b. Outside, North of Barn- referred to as North Outdoor Terrace – meets County noise standards for day and nighttime events with mitigation.
 - i. Sound system – speakers shall be against north facing building façade and directed to the north
 - c. Tasting Terrace – meets County daytime standards with mitigation
 - i. Orient sound system to the north.

Events

29. **N-2** The applicant shall provide notification to owners of property within a minimum of 1,000 feet of the exterior boundaries of the proposed site, through an email or letter. If a letter is used, it shall be delivered within 30 days prior to but not less than 3 days before each event occurrence. The following information shall be provided:

- a. A complete listing of all scheduled events including dates, times and number of attendees;
- b. 24-hour contact information for the on-site operator (cell phone), including e-mail and phone number, to be used to notify the operator of issues with the operation;
- c. Contact information for County Code Enforcement to be used if members of the public have complaints about the operation;
- d. Any identified problems shall be responded to and addressed as soon as possible.

As an alternative to providing the annual listing of the events in a letter, a website may be used. If a web-site is used, notification shall first be provided by mail and contain the website address, the 24 hour local contact information and the approved number of events and attendee numbers. The website shall be maintained and kept current at all times.

30. Temporary Events shall start no sooner than 10 a.m. and end by 10 p.m. each day. Facility set up and clean up shall be allowed between the hours of 8 a.m. to 11 p.m. All guests of an Event shall be off the property by 10:30 p.m.

31. Temporary Events shall last no more than one day each; however, rehearsals may occur the day prior and are not considered an event.

Developmental Burning

32. The APCD prohibits developmental burning of vegetative material within San Luis Obispo County. However, under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. Any such exception must complete the following prior to any burning: APCD approval; payment of fee to APCD based on the size of the project; and issuance of a burn permit by the APCD and the local fire department authority. As a part of APCD approval, the applicant shall furnish them with the study of technical feasibility (which includes costs and other constraints) at the time of application. For any questions regarding these requirements, Karen Brooks of APCD's Enforcement Division may be contacted (805/781-5912).

Recycling

33. **On-going condition of approval (valid for the life of the project)**, the applicants shall provide recycling opportunities to all facility users at all events in accordance with Ordinance 2008-3 of the San Luis Obispo County Integrated Waste Management Authority (mandatory recycling for residential, commercial and special events).

Gate

34. Any gate constructed on a driveway where off-site grapes are delivered and/or product is exported from the site shall be setback a minimum of 75-feet from the nearest edge of traveled way of any road open to public traffic. All gates must conform to CAL FIRE requirements.

Outdoor Storage

35. Long term outdoor winery storage areas shall be screened by solid fencing or landscaping and shall not be higher than the associated solid fence screening or landscaping, unless the storage area is not visible from any public road or adjacent properties.

Pomace

36. Solid vegetable waste from the winery (pomace) and olive facility (pomace) shall be removed from the site to an approved composting/green waste facility or composted on the site and used as a soil amendment. In no case shall pomace be treated, stored, or disposed of in a manner that could result in runoff into any surface stream.
37. Any water tanks associated with the project shall be a neutral, non-contrasting color, and landscape screening shall be provided so that the water tanks are not visible from any public road.
38. **BR-7** To guarantee the success of the new trees, the applicant shall retain a qualified individual (e.g., arborist, landscape architect/ contractor, nurseryman) to monitor the new trees' survivability and vigor until the trees are successfully established, and prepare monitoring reports, **on an annual basis**, for no less than seven years. Based on the submittal of the initial planting letter, the first report shall be submitted to the County Environmental Coordinator **one year after the initial planting** and thereafter **on an annual basis** until the monitor, in consultation with the County, has determined that the initially-required vegetation is successfully established. Additional monitoring will be necessary if initially-required vegetation is not considered successfully established. The applicant, and successors-in-interest, agrees to complete any necessary remedial measures identified in the report(s) to maintain the population of initially planted vegetation and approved by the Environmental Coordinator.
39. **BR-8** The applicant recognizes that trimming of oaks can be detrimental in the following respects and agrees to minimize trimming of the remaining oaks: removal of larger lower branches should be minimized to 1) avoid making tree top heavy and more susceptible to "blow-overs", 2) reduce having larger limb cuts that take longer to heal and are much more susceptible to disease and infestation, 3) retain the wildlife that is found only in the lower branches, 4) retains shade to keep summer temperatures cooler (retains higher soil moisture, greater passive solar potential, provides better conditions for oak seedling volunteers) and 5) retain the natural shape of the tree. Limit the amount of trimming (roots or canopy) done in anyone season as much as possible to limit tree stress/shock (10% or less is best, 25% maximum). Excessive and careless trimming not only reduces the potential life of the tree, but can also reduce property values if the tree dies prematurely or has an unnatural appearance. If trimming is necessary, the applicant agrees to either use a skilled arborist or apply accepted arborist's techniques when removing limbs. Unless a hazardous or unsafe situation exists, trimming shall be done only during the winter for deciduous species.
40. **BR-9** Smaller trees (smaller than 5 inches in diameter at four feet above the ground) within the project area are considered to be of high importance, and when possible, shall be given similar consideration as larger trees.
41. **BR-10** All oak trees identified to remain shall not be removed. Unless previously approved by the county, the following activities are not allowed within the root zone of existing or newly planted oak trees: year-round irrigation (no summer watering, unless "establishing" new tree or native compatible plant(s) for up to 3 years); grading (includes cutting and filling of material); compaction (e.g., regular use of vehicles); placement of impermeable surfaces (e.g., pavement); disturbance of soil that impacts roots (e.g., tilling).
42. **BR-11** Grading, utility trenching, compaction of soil, or placement of fill shall be avoided within the fenced areas. If grading in the root zone cannot be avoided, retaining walls shall be constructed to minimize cut and fill impacts. Care shall be taken to avoid surface roots

within the top 18 inches of soil. If any roots must be removed or exposed, they shall be cleanly cut and not left exposed above the ground surface.

43. **BR-12** To minimize impacts to the sensitive oak woodland understory habitat (e.g. maritime chaparral, coastal scrub), the applicant agrees to the following during construction/ tract improvements and for the life of the project:
- a. All native vegetation removal shall be shown on all applicable grading/ construction plans, and reviewed/ approved by the County (Planning and Building Dept.) before any work begins.
 - b. Vegetation removal of native habitat shall be limited to what is shown on the county-approved grading/construction plans.
 - c. Vegetation clearance for fire safety purposes shall be limited to the minimum setbacks required by CDF/County Fire. Where feasible, all efforts will be made to retain as much of this vegetation within the setback as possible (e.g. remove/trim only enough vegetation to create non-contiguous islands of native vegetation).

Commercial Kitchen

44. This approval does not allow the commercial kitchen to function as a restaurant (limited food service facility). The commercial kitchen is established as a secondary use to support the agricultural processing facility (olive oil and wine) and other permitted events and not function as a stand-alone restaurant where made to order meals are served.

wittwer / parkin

April 15, 2015

VIA EMAIL AND OVERNIGHT DELIVERY

Matt Janssen

Hearing Officer, Office of Planning Department, County of San Luis Obispo
976 Osos Street, Room 200
San Luis Obispo, CA, 93408

Re: Planning Department Hearing to Consider Approval of Willow Creek Minor Use
Permit DRC2013-00028

Dear Mr. Janssen:

This office represents Wilton Webster and Helen Webster (hereinafter Webster), with respect to the above referenced project. Webster is concerned with the impact the proposed project under this permit will have on the surrounding area, the preservation of the community, and the failure of the County and Willow Creek NewCo. LLC ("Willow Creek") to comply with San Luis Obispo County planning and zoning laws, and the California Environmental Quality Act ("CEQA" – Public Resources Code §2100 et seq.). We request that you **deny** the above Minor Use Permit ("MUP").

The above MUP was approved on January 2, 2015. Webster appealed that approval based on a myriad of reasons, including, but limited to:

- Failure to provide adequate notice and supporting documents to the public;
- The Ordinance Modifications and Setbacks proposed, in conjunction with the entire project, violate zoning laws;
- The Mitigated Negative Declaration ("MND") is insufficient and fails to comply with CEQA for, including but not limited to, the following reasons:
 - Failure to sufficiently analyze Septic issues;
 - Failure to sufficiently analyze Public Services and Utilities;
 - Failure to sufficiently analyze Transportation/Circulation;
 - Failure to sufficiently analyze Water issues;
 - Failure to sufficiently analyze Noise;
 - Failure to sufficiently analyze the effect on biological resources;
 - Failure to sufficiently analyze the impact of importing olives.

WITTWER PARKIN LLP / 147 S. RIVER ST., STE. 221 / SANTA CRUZ, CA / 95060 / 831.429.4055

WWW.WITTWERPARKIN.COM / LAWOFFICE@WITTWERPARKIN.COM

This office submitted a Public Records Act request on February 20, 2015. On March 20, 2015, we received some of the requested documents. In review of those documents it was discovered that the County approved a building permit for a remodel that we believe, and herein allege, will be made into a bed and breakfast/motel. Internal emails indicate that the County *knew* the remodel was for a bed and breakfast/motel. By failing to incorporate the building permit for the remodel in the review of the MUP, the County is engaging in piecemeal environmental review in violation of CEQA. (Webster filed a Complaint and Petition for Writ of Mandamus on April 9, 2015 (Ex. A).) For this reason alone, this MUP request should be denied.

The MND fails to analyze the full scope of the project (including the remodel) and an Environmental Impact Report should be completed pursuant to CEQA.

A) The Notice Provided to the Public was Insufficient on this Matter and Violates Due Process

Section 22.30.070.B.1.b of the San Luis Obispo Land Use Ordinance states, “[p]ublic notice shall be provided to owners of property within a minimum of 1,000 feet of the exterior boundaries of the proposed agricultural processing site.” The County initially only provided public notice of the above permit to four (4) individuals in violation of their Ordinance. More than four individuals live within “1,000 feet of the exterior boundaries of the proposed agricultural processing site.” The Notice of Tentative Action (“Notice”) postcard was barely legible. The Notice was postmarked November 24, 2014 and stated that a Mitigated Negative Declaration was issued on November 26, 2014 – 2 days after the postmark date. Thus, the MND was approved in the future. Webster appealed the Planning Department decision shortly thereafter. The Notice for the January 2, 2015 hearing was insufficient and violated due process because it did not go out to all those as required by the Land Use Ordinance and was extremely difficult to read. In addition, the documents upon which the Hearing Officer relied on for the January 2, 2015 hearing (and also for which will be relied upon for the April 17, 2015 hearing) – the MND and all accompanying documents relied upon by the County – were not on the County website. This office made multiple requests to place the documents on the website in emails to the County on: January 5, 2015, January 6, 2015, January 7, 2015, January 13, 2015, February 6, 2015, February 23, 2015, and also by phone on February 25, 2015. The fact that these documents are still not on the website continues to deprive any citizens of San Luis Obispo of proper notice.

B) The Approval of this Permit Changes the Entire Neighborhood

The Agricultural zoned area of Adelaida is a quiet neighborhood, filled with sloping hills, beautiful vistas and agricultural farming. Authorizing the above MUP would change the entire nature and scope of the neighborhood. The MUP allows for twenty five (25) temporary events, such as wedding and corporate events, with 200 guests and amplified music until 10 p.m. The

MND does not elaborate on what “temporary events” means as it applies to this project. Temporary events are described in the County’s Land Use Ordinance Section 22.30.610.B as an event held, “in a single location for no longer than twelve consecutive days.” Thus, under the MUP, events can be held for up to 300 days.

The MND does not clarify with regard to the scope of the event or what an actual event entails. Also, the fifteen (15) year duration of the permit is excessive given this is the first event center of its kind in the Agricultural zoned area. Also, it is dubious to believe that 25 events with 200 guests can be considered a “secondary use” to promote the sale of olive oil.

Arbitrary parameters in the MND and MUP are not founded in thorough environmental analysis and are therefore legally inadequate. Instead of “Playing with Project Conditions” (Email October 28, 2014, Ex. B), mitigation measures and alternatives would have been “fully explored” had an Environmental Impact Report been done. “One function of an EIR is to address the adequacy of proposed mitigation measures. (Guidelines, § 15126.4.) Another function is to consider alternatives to the project. (Guidelines § 15126.4.)” *Architectural Heritage Association v. County of Monterey* (2001) 122 Cal.App.4th 1095, 1122. Exhibit B shows lined out provisions that are derived from the County’s definition of “Special Events” under Land Use Ordinance Code Section 22.30.70.D.i.1-6, which applies to wineries. The lined out provisions are far more limited in scope, i.e. fewer events, fewer guests, and limited hours of music from 10 a.m. to 5 p.m. The MUP also requests approval of a wine tasting room.

This neighborhood does not presently have weddings and big events. The MUP is contrary to County land use laws and calls for a **serious change in the nature of the neighborhood and should not be permitted.**

C) The MUP Violates the Williamson Act and Zoning Laws

The County Land Use Ordinance expressly states that if a use is not listed as being allowed within the zoned area, then it is not allowed. Section 22.06.030.C of the Land Use Ordinance states, “[a] land use not listed...or is not shown in a particular land use category is not allowed.” The uses proposed in the MUP and building permit 2013-02460 (remodel) are in clear violation of the County zoning laws.

This MUP, in conjunction with the building permit for the remodel, is squarely in violation of the Agricultural zoning laws. The building permit for the remodel allows seven (7) bedrooms and six and a half (6.5) bathrooms. An email dated June 3, 2014, from a County Plan Checker to a County Planner, referred to a discussion between the two, “[a]s you said, they will need to revise their land use permit to include the motel use (Bed & Breakfast).” (Email June 3, 2014, Ex. C.). The email called for a resubmittal of plans. “As you are aware the Building official is responsible to classify the structure per 2013 CBC 104, the plans were submitted as a residential remodel and addition but the plans actually meet the definition & occupancy

classification for a motel, R-1, per 2013 CBC 310, 310.3 & 310.5.” *Id.* The MUP was not modified and remains silent on the remodel which we assert will be a bed and breakfast/motel. Also, there was no notice to the public regarding the remodel permit (a violation of due process). The remodel was only discovered through a Public Records Act request. Furthermore, the scope of the MUP allowing for 200 guests at each of the twenty five (25) events removes the use of the Pasolivo property from Agricultural to commercial in nature. The MUP and the remodel are not permitted within the area zoned Agricultural and is a clear violation of the County’s zoning laws.

This project further violates the Williamson Act. In the Landowners’ Statement of Compliance with the Williamson Act, signed and dated November 19, 2013, the applicants erroneously state that the “[p]roject will utilize existing access and structures. Expansion will be condensed to existing developed area.” (Landowners’ Statement, Ex. D.) This is false. The MUP seeks to tear down the existing barn, which dates back to the early 1900’s, as well as expand on the buildings presently on site. Furthermore, the whole purpose of the Williamson Act is to preserve agricultural and open space lands and abate pressures from population growth and new commercial enterprises. Willow Creek plans to convert an Agricultural zoned property into a commercial property with an event center and a bed and breakfast/motel in violation of the Williamson Act.

D) The Mitigated Negative Declaration Fails to Sufficiently Address Traffic and Safety Issues

The MND does not sufficiently address traffic issues and in fact blatantly avoids the requirements established under County Resolution 2008-152: Revising Policies Regarding Land Development Improvements on County Maintained Streets and Roads (Resolution, Ex. E.) The County found that “the rate of vehicle collisions in the rural areas of San Luis Obispo County have had an increasing trend for several years, indicating a need to revise development policies.” *Id.* The Resolution requires:

Land development projects in rural areas which are not subdivisions, and which will attract general public traffic (e.g., wine tasting, ag tourism, events, etc.) on County-maintained roads, shall be approved with a condition to widen to complete the project side of an A-1 (rural) standard according to the criteria in Table 2 below, prior to occupancy of any new structure, or initiation of the use, if no structure is proposed.

The Resolution further states, “to limit exposure of increasing the number of collisions on the road, all developments in rural areas which attract the general public (e.g., wine tasting, ag tourism, events, etc.) **shall be required** to perform a Roadway Safety Analysis (RSA).” *Id.*

The increase in traffic as a result of an approval of the MUP will come from two primary sources: guests attending the 25 events and trucks bringing offsite olives onsite for processing. The MND states that the “proposed project is estimated to generate about 80 peak hour trips.”

(MND, p. 20.). The MND then provides a convoluted and legally inadequate discussion of vehicle trips associated with olive processing and calculates peak hour trips to be at 80 hours. The MND discusses Phase I, but fails to discuss the 25 events with 200 guests each. Even if you assume these events are limited to one day, the events add a potential of up to 5,000 (25 events multiplied by 200 guests) additional vehicles per year on a small, windy rural road. Clearly this will affect the number of peak hour trips. This was acknowledged by Development Services in a memo to County Planner, “[t]he proposed project may trigger road improvements per Resolution 2008-152. Events that attract the general public and generate between 101 and 200 PEAK hour trips, will trigger upgrading a ¼ mile of Vineyard Drive to current standard.” (Memo, November 8, 2013, Ex. F.) No condition was added to require such upgrading or a Road Safety Analysis (RSA).

In addition, the MND states that “[t]he County has established the acceptable Level of Service (LOS) on roads in rural area as ‘C’ or better. The existing road network in the area Vineyard Drive (a collector road) **is operating at acceptable levels.**” (MND, p. 20.) The MND only discusses the present level, not the level that will be impacted by the proposed projects. The MND does **not** discuss the tremendous increase in traffic from 25 events with 200 guests.. The MND does not comply with Resolution 2008-152 because no Roadway Safety Analysis was completed.

The San Luis Obispo Bike plan and County’s Traffic Code (Section 15.92.149 of the Traffic Code) encourage the use of bicycles and bike lanes on Vineyard Drive. The MND does not analyze how the proposed MUP would comply with the San Luis Obispo Bike plan, which must be considered in any environmental review.

The MUP and bed and breakfast/motel also create serious issues with respect to fire and police response, schools and roads. Cal Fire San Luis Obispo states in their letter (attached to the MND), “[t]he cumulative effects of large scale special events and increased commercial operations within areas such as this continue to place challenges upon CAL Fire/County Fire’s ability to provide efficient and effective emergency services within rural areas.” This cannot be mitigated through fees. Any proposed mitigation through fees is **not** an attempt to garner greater safety for guests of Pasolivo. “A commitment to pay fees without any evidence that mitigation will actually occur is inadequate.” *Save Our Peninsula Committee v. Monterey County Bd. Of Supervisors* (2001) 87 Cal. App. 4th 99, 140.

Vineyard Drive is a windy, two way, narrow rural road. The MUP proposes to put the potential of 5,000 cars on the road each year and drivers which may have been drinking. The MND looks at olive trucks and derives a number of 80 peak hours. There is no study to support this estimate. Furthermore, there is no analysis on the traffic impacts from the 25 events (note, not including the non-profit events), visitors to the tasting room, or the bed and breakfast.

Therefore the MND is legally inadequate because the County failed to perform a traffic environmental analysis.

E) The Noise Study Relied Upon by the Negative Declaration Fails to Properly Evaluate Noise Impacts

Willow Creek hired a Noise Expert from David Dubbink Associates. The report is titled, “Topic: Acoustical Analysis for the Pasolivo Events/Olive Oil Expansion,” dated July 5, 2013. (Acoustical Analysis, Ex. G). The Acoustical Analysis is legally inadequate and cannot lawfully be relied upon by the County. The first sentence of the noise study states, “[w]e have completed the acoustic survey for an acoustical analysis in support of a temporary events permit for the Pasolivo Events/Olive Oil Production Expansion on Vineyard Drive. The noise study declared that the event activities ‘will not exceed any of the county’s standards’.” *Id.* The study makes sweeping and conclusory statements such as, “[b]ecause of the distance from the events area to the northern and eastern property lines, there is no likelihood that noise limits will be exceeded.” *Id.* at p. 2. However, the noise study conducted no analysis of the northern or eastern property lines. Furthermore, the testing equipment used in the Acoustical Analysis is outside of the suggested calibration. (Bruel & Kjaer “Why and When to Calibrate”, Ex. H). The Acoustical Analysis states, “any analysis of impact first requires an estimation of the sound levels associated with the individual events. We have made measurements of noise levels produced during outdoor events held in SLO and will use these numbers in evaluating proposed activities.” (Ex. G, p. 3.) The report provides no data or information as to what those numbers are, the types of events they were based on, the time of year, the weather, etc. The Webster’s requested any raw data from Acoustical Analysis, for which there is none to be located, and so it can not truly be known what data was **actually** collected.

Jeffrey Pack of Edward L. Pack Associates, conducted a Peer Review of the Dubbink Acoustical Analysis. (Peer Review and CV of Jeffrey Pack, Ex. I.) Jeffrey Pack’s peer review indicates, *inter alia*, the following reasons the Dubbink Acoustical Analysis is flawed (and therefore legally inadequate):

- “Acoustical consultants are not supposed to support the project on which they are working. The ethical standards of the consulting community require completely unbiased analyses.” *Id.* a p. 1;
- “Descriptions of surrounding properties should be provided....the surrounding properties, especially to the south, west and north are noise sensitive.” *Id.* at p. 2;
- “Has a traffic analysis been prepared? Project traffic could cause a significant impact in relation to CEQA guidelines.” *Id.* at p. 2;
- “The assertion that there is no likelihood of noise excesses at the north or east property lines due to the distance is not valid. No data are presented to back up this claim.” *Id.*;

- “The description of the performance set up is vague. A detailed description should be provided, such as the number of speakers, their size and make and amplification power ratings.” *Id.* at p. 3;
- “[T]here should be some discussion regarding live music, particularly drums, brass instruments and vocals....The sound levels of drums, trumpets and vocals tend to carry more over large distances. Electric guitar sound also tends to carry more.” *Id.*;
- “A boisterous DJ or MC can generate high vocal sound levels during wedding events such as announcing the bridal party and the garter and bouquet tosses. These sources are realistic and should be accounted for.” *Id.*;
- “[D]ue to the topography of the area, distances to the receptors and the proximity to the Pacific Ocean, atmospheric effects need to be taken into consideration. Temperature inversions, prevailing winds and shielding and reflections from hillsides can greatly affect the standard sound attenuation rate.” *Id.* at p. 4;
- “The reference sound levels in Table 2 appear to be low and seem to represent more of a “background” music level rather than entertainment/dance music levels.” *Id.*;
- “Events on the South Terrace would result in non-compliance with the standards and significant noise impacts. Without demonstrating precise mitigation measures and quantifying the results that show a less than significant impact, an EIR may be required.” *Id.* at p. 5;
- “The CEQA thresholds are based on the ambient conditions at the receptor locations. Given that the ambient noise levels are low, as stated previously, compliance with CEQA may be more restrictive than complying with the County Noise Element/Code standards.” *Id.* at p. 6;
- “[T]he noise study should be more comprehensive to adequately represent realistic noise impacts to the surrounding neighbors under various scenarios. The analysis of noise increases over the ambient noise environment, per the requirements of CEQA, need to be quantified for each of the receptors in the area.” *Id.* at p. 7.

The Minor Use Permit calls for weddings attended by up to 200 people. The permit is not clear as to what type of amplified music is permitted, but it is safe to assume that music will be played – either by a live band or through a DJ. The Acoustical Analysis does not evaluate all potential scenarios and therefore more analysis is required. It is abundantly clear that the Acoustical Analysis relied upon for this Minor Use Permit is legally inadequate, insufficient and incomplete.

F) The Negative Declaration Fails to Properly Identify the Significance of the Agricultural Barn

The MUP proposes to tear down a barn that was constructed in the early 1900’s. The MUP proposes the “demolition of an existing ag barn.” (Tentative Notice of Action). The MND states that LSA Associates conducted an Archeological Survey and Historical Assessment in

September of 2013. (MND, p. 12.) The study identified the ag barn as a “livestock barn, built circa 1925.” *Id.* at p. 12.

County records show that the agricultural barn was built around the 1900’s and was originally located on the King Vidor property. (County Records of King Vidor Barn, Ex. J.) William Hurley of Dos Osos Timberworks, Inc. and member of the California-Nevada Barn Alliance had the opportunity to review the County records, as well as photos of the barn taken February, 2015. (Photos of Barn, Ex. K.). Mr. Hurley graduated from California Polytechnic State University, San Luis Obispo, from the College of Architecture and Environmental Design, with a BS in City and Regional Planning. His review of the records indicating the agricultural barn was built in the early 1900’s, in conjunction with the photos, led him to conclude that, “[c]ertain structural features tell me [the date] this is probably correct.” (Email March 16, 2015, Ex. L). In reference to the agricultural barn, Dr. Daniel E. Krieger, professor of History Emeritus at California Polytechnic State University, stated, “[t]he King Vidor association makes the barn a significant cultural resource for the County of San Luis Obispo. You may quote me on that in your communications with county government.” (Email, February 28, 2015, Ex. M.)

Willow Creek and its representatives have tried to portray the barn as unsafe. “The current barn is not structurally sound for employees and public and is not efficient for ag equipment storage.” (Pasolivo Document, “Extra Copy – Revised Date 7/17/14”, Ex. N, at p. 19.). Willow Creek and its representatives also stated to County Planner in a letter dated April 1, 2014, “[n]othing can be stored and or secured in the current barn given its condition so the owners are using the houses and general property to store things currently uncovered.” (Pasolivo DRC2013-00028 – Response to Information Hold Letter, dated April 1, 2014, Ex. O.). This is untrue.

“The barn is in good condition.” according to the Phase I Archaeological Survey and Historical Assessment for the Pasolivo Project done by LSA Associates and dated September, 2013 (Archaeological Survey, Ex. P., at p. 20.). William Hurley says the barn “appears to be in decent shape” based on the photographs and his expertise. Additional evidence that the barn is in good shape and suitable for use is seen on the Pasolivo Facebook page. The Pasolivo Facebook page hosted a party held inside the barn on February 27, 2014 (Facebook photos, Ex. Q.), indicating the barn is in fact safe and suitable for use. The photographs taken a year later in February, 2015, clearly show that the barn is currently being used for storage. Lastly, Jack Hanauer of Jack Hanauer Construction, Inc. worked on the barn in 2005. Mr. Hanauer states that this barn is only “one of two barns in the area that have been preserved by their owners.” (March 2, 2015 letter with photo, Ex. R.) The barn is unique for two reasons: the interior posts are made of solid oak trees that were forested off the property when the barn was originally built, and have been left in their natural state, and the barn follows that natural sloping grade of the land at the foundation, but has a constructed level roof line. In 2005, Mr. Hanauer’s construction company

was hired to do a “preservation project,” by which they reinforced the concrete footings, rebuilt the roof at the south end of the barn, converted a portion of the barn to a tool and equipment room, repaired damage to the roof, and much more. *Id.* Mr. Hanauer hopes “the new owners of this barn would consider the historical and unique qualities of this barn and use them to their advantage to attract tourists to their ranch.” *Id.*

Willow Creek and its representatives have been untruthful about the condition of the barn. The barn is unique in its construction, it is unique because it was once part of King Vidor’s property and it is unique because it is one of two barns left of its kind in the Adelaida area. LSA Associates did not correctly date the barn and the County records and barn experts clearly indicate the barn was circa 1900’s. The evaluation of the barn is legally inadequate and a full Environmental Impact Report is required.

G) The Negative Declaration Fails to Properly Evaluate Water Impacts of Proposed Projects

The MND also discusses the issue of water consumption. The agriculture water used for existing production is at an average of 109 gpd (39,785 gallons annually). (MND, p. 23.) Expanding the tasting room would generate 250 gallons per day (gpd), or 91,250 gallons annually. *Id.* Twenty five (25) events with 200 guests will generate about 46,200 gallons annually (which averages to about 127 gpd). *Id.* At Phase III of the project, there will be a 218 gpd (79,570 gallons annually) increase. *Id.* at p. 24. 109 gpd (present agricultural use) plus 250 gpd (expansion of tasting room) plus 127 gpd (average for the events) plus 218 (from Phase III) equals 704 gallons per day or 256,960 gallons of water per year. This is an increase of 217,175 gallons annually. The water is set to come from a single well on the property. The MND states, “there is preliminary evidence that there will be sufficient water available to serve the proposed project.” (MND at p. 22.) The public has no information as to what that preliminary information relied upon in the MND is, what the evidence is based on, what data was collected and what the results are. More information is needed.

There is a remarkable and real concern with water consumption in California at this time. As the legislature is passing water bills and Governor Brown is issuing mandatory cutbacks on consumer consumption of water, this project is proposing to increase water consumption by enormous amounts. The County is failing to fully address the extraordinary consumption of water that the MUP, as well as the bed and breakfast/motel, proposes to consume. The MND is legally inadequate.

H) Modifications / Setbacks

The MUP requests, and the MND authorizes, ordinance modifications regarding agricultural retail sales space and winery tasting room setbacks. Land Use Ordinance Section 22.30.075.B.1 allows for modifications to the amount of floor area that is devoted to agricultural

retail sales. The Ordinance allows for a floor space of up to 500 square feet unless otherwise authorized by a MUP. The MUP asks to expand the retail sales area to 1,900 square feet – almost three times larger than that authorized by the Land Use Ordinance. In addition, the MUP requests a modification to the setbacks required under Land Use Ordinance Section 22.30.075.B.4, from a required set back of 400 feet to 307 feet from existing residences.

In addition, Land Use Ordinance Section 22.30.075.D.3 requires, “[a] fire plan that sets forth adequate fire safety measures for the proposed Agricultural Retail Sales facility.” Apart from a letter from Cal Fire indicating that, “[t]he cumulative effects of large scale special events and increased commercial operations within areas such as this continue to place challenges upon CAL Fire/County Fire’s ability to provide efficient and effective emergency services within rural areas, the MND does not discuss a fire plan. This is a violation of Section 22.30.075.D.3.

The MUP also requests setback modifications of Land Use Ordinance Section 22.30.070.D.2.d.1, which states, “[w]here a winery has public tours, tasting, retail sales, or special event (in compliance with D.2.i.), the setback shall be increased from 200 feet from each property line and no closer than 400 feet to any existing residence outside the ownership of the applicant.” This can be modified by a MUP if the property fronts an arterial or collector street. The MUP seeks to modify the setbacks from 200 feet to 159 feet at the side, and from 400 feet to 300 feet to the nearby residence.

While such modifications to the Ordinance are permitted through Minor Use Permit, when addressing the modifications and setbacks in light of the entire project (MUP and bed and breakfast/motel), the setbacks and ordinance modifications are an attempt to alter zoning, in violation of the San Luis Obispo County Land Use Ordinance.

I) Other Concerns

Other concerns regarding this project are as follows:

- What is the full impact of the projects (the MUP and bed and breakfast/motel) on the septic system, which is known to have “potential septic constraints due to: steep slopes, shallow depth to bedrock, slow percolation.” MND at p. 6.;
- What is the full impact of the projects (the MUP and bed and breakfast/motel) on biological resources?;
- What is the environmental impact of the importing of olives from off-site to onsite?

J) The Project Violates CEQA

For all the reasons stated above, this Project violates CEQA. The County is chopping up this project into smaller projects in a piecemeal fashion in violation of CEQA. The Minor Use Permit should be denied and a full Environmental Impact Report ("EIR") should be completed pursuant to CEQA. The EIR should also include the bed and breakfast/motel.

Thank you for your consideration of these comments. For all of the above reasons, we respectfully request you **deny** Minor Use Permit DRC2013-00028

Very Truly Yours,
WITTWER PARKIN LLP



Alison Norton

EXHIBIT A

FILED

4/9/2015

SAN LUIS OBISPO SUPERIOR COURT

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L. Snyder, Deputy Clerk

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 10
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 12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
 13 **FOR THE COUNTY OF SAN LUIS OBISPO**
 14 **PASO ROBLES BRANCH**
 15

16
 17 WILTON WEBSTER AND HELEN
 WEBSTER,

Case No. 15CVP-0093

Petitioners,

**COMPLAINT AND PETITION FOR
WRIT OF MANDAMUS**

vs.

[CEQA CASE]

20 COUNTY OF SAN LUIS OBISPO,
 21 and DOES 1 THROUGH 15,

Respondents,

23 WILLOW CREEK NEWCO LLC,
 and DOES 16 THROUGH 30,

Real Parties in Interest.)

I

INTRODUCTION

1. On December 18, 2014, the County of San Luis Obispo (hereinafter "Respondent" or "County") issued a building permit to Willow Creek NewCo LLC (hereinafter "Real Party") for the remodel of a single family home on property located at 8530 Vineyard Drive, County of San Luis Obispo (hereinafter "Property"). Per the San Luis Obispo County Planning website, the project calls for a "remodel (5,960 Sq. Ft.) & Convert Existing Garage to Habitable Space (805 Sq. Ft.) & Enclose Porch Area (178 Sq. Ft.), included modifications including new walls, headers, beams & footings, adding (??) Bedrooms, adding (??) Bathrooms, altering the support systems (??), no modifying roofing materials proposed and patching of existing siding (??)." ("(??)" are part of the quote on the County Website indicating that the County is uncertain as to the specifications of the project.) (*See*, <http://www.sloplanning.org/PermitView/PermitLookup/Permit/PMT2013-02460>). Petitioners have discovered that the approved construction permit calls for seven (7) bedrooms and six and one half (6.5) bathrooms. The remodel calls for the demolition of approximately ninety percent (90%) of the exterior and interior walls.

2. Petitioners are informed and believe, and on that basis allege, that the Real Party is intending to run a bed and breakfast/motel once the remodel is complete without requisite land use approvals. Moreover, Petitioners are informed and believe, and on that basis allege, that the County will not require the Real Party to apply for the requisite land use approvals even though it is aware of the ultimate purpose of the remodel.

3. On June 3, 2014, San Luis Obispo County Plan Checker Elizabeth Szwabowski emailed County Planner Holly Phipps that the plans submitted constituted a reclassification of a residence (R-1) to a motel (R-3). Ms. Szwabowski's email referred to a discussion she and Ms. Phipps had, stating, "[a]s you said, they will need to revise their land use permit to include the motel use (Bed & Breakfast)." The plan checker's email indicated that the plan included an attached guest house with separate entry and included seven (7) bedrooms and seven (7) bathrooms each serving a bedroom. There was no notice to the public that the remodel was

1 intended to ultimately be used as bed & breakfast/motel. Indeed, the Petitioners did not even
2 discover the internal emails regarding the remodel's intended use until *after* they were received
3 by Petitioners' counsel on March 20, 2015 as part of a larger Public Records Act request. The
4 Petitioners could not have known, and had no reason to know, that a simple remodel would be
5 turned into an unauthorized use. There was no environmental review conducted for the remodel.
6 None of the application materials requested the approval of a bed & breakfast/motel, and none of
7 the approvals were for a bed & breakfast/motel. If the Real Party proceeds as it intends, the
8 operation of the bed & breakfast/motel will proceed without required land use approvals, General
Plan amendments and rezonings.

9 4. A subsequent email sent on June 17, 2014 from Cheryl Journey, Chief Building
10 Official for the County, directed Ms. Szwabowski to review the project as a SFR (Single Family
11 Residence).

12 5. On January 2, 2015, Respondent's Hearing Officer approved Minor Use Permit
13 DRC2013-00028 based on a Mitigated Negative Declaration. The Minor Use Permit allowed for
14 25 events with up to 200 guests, including weddings and corporate meetings with amplified
15 music. The Mitigated Negative Declaration, and all documents relied upon for the Mitigated
16 Negative Declaration, are silent regarding the bed and breakfast/motel. (The Minor Use Permit,
17 Remodel and bed and breakfast/motel are collectively referred to herein as the "Project" or the
approval of the action). The Minor Use Permit allows for:

- 18 • the demolition of an agricultural barn and the construction of a replacement barn to
19 include olive processing, a tasting room, a commercial kitchen and restrooms;
- 20 • the addition of an outdoor terrace;
- 21 • setback modifications from those established by San Luis Obispo County Code Section
22 22.30.075;
- 23 • set back modifications to exceed the floor area allotted under Agricultural Retail Sales
24 from 500 square feet to 1,900 square feet and to reduce the setback required from the
25 nearest residence from 400 feet to 307 feet; and

- modifications of San Luis Obispo County Code Section 22.30.070 so as to allow Real Party to reduce the setback from neighboring properties for a winery tasting room from 200 feet to 159 feet, even though Real Party does not grow grapes or produce wine on their property.

Without considering the approval of the bed and breakfast/motel together with the Minor Use Permit, the County has failed to conduct any environmental review for the bed and breakfast/motel.

6. Petitioners appealed the Hearing Officer's approval of the Minor Use Permit, including on the grounds of failure to give proper Notice to Petitioner. Petitioners are concerned with the impact the Project will have on the surrounding area, the preservation of the community, and the failure of the County and Real Party to comply with San Luis Obispo planning and zoning laws, and the California Environmental Quality Act ("CEQA" - Public Resource Code § 2100 et seq.). Respondent has returned the Minor Use Permit to the Hearing Officer for reconsideration after giving new notice.

7. Petitioners challenge Respondent's and Real Party's actions regarding the approval of the remodel that will serve as a bed and breakfast/motel. The Petitioners seek relief to prevent the use of the remodel as a bed & breakfast/motel without requisite land use approvals, General Plan amendments and rezoning. The proposed use of the remodel as a bed & breakfast/remodel also violates CEQA because the County is segmenting environmental review by separately approving Minor Use Permit DRC2013-00028 without consideration of the bed and breakfast/motel. Petitioners further allege that a bed and breakfast/motel is not permitted on the Property and is illegal pursuant to the San Luis Obispo County Land Use regulations. The San Luis Obispo County Land Use regulations expressly states that if a use is not listed as being allowed within the zoned area, then it is not allowed. A motel is not listed as being allowed in an Agricultural zoned district and therefore is not authorized on the property which is zoned for Agriculture.

8. By this Petition, Petitioners allege that the effect of the Real Party's actions is to create a bed and breakfast/motel as part of their overall scheme to illegally convert property zoned

1 agricultural to commercial use. Such a use has not been evaluated under CEQA, has not been
 2 duly applied for, noticed or processed, and would violate the County General Plan, the County
 3 Code, and State planning and zoning laws.

4 9. Irreparable harm will occur if the County fails to comply with CEQA, the County
 5 General Plan, and State planning and zoning laws as to the project and its impacts on the
 6 surrounding area that is zoned AR, for agriculture.

7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28

II PARTIES

10 10. Petitioners hereby incorporate by reference paragraphs 1 through 9 herein as if fully set
 11 forth herein.

11 11. Petitioners, Wilton Webster and Helen Webster ("Petitioners"), are concerned citizens
 12 and/or residents and taxpayers of the County of San Luis Obispo.

13 12. Respondent County of San Luis Obispo has land use regulatory authority over the
 14 unincorporated area and has approved various grading permits and construction permits for Real
 15 Party in Interest Willow Creek NewCo. LLC.

16 13. Real Party's in Interest Willow Creek NewCo. LLC is owner and/or developer of the
 17 Property and the applicant for the remodel permit and Minor Use Permit.

18 14. Petitioners are informed and believe, and on that basis allege, that Respondents and each
 19 of them were the agents and employees of each of the remaining Respondents and while doing the
 20 things herein alleged, were acting within the course and scope of such agency and employment.

21 15. The true names and capacities, whether individual, corporate or otherwise, of Does 1
 22 through 15, are unknown to Petitioners who therefore sue said Respondents by such fictitious names
 23 and will seek leave to amend this Complaint and Petition for Writ of Mandamus when they have
 24 been ascertained.

25 16. Petitioners are informed and believe, and on that basis allege, that Real Parties in Interest
 26 and each of them were the agents and employees of each of the remaining Real Parties and while
 27

doing the things herein alleged, were acting within the course and scope of such agency and employment.

17. The true names and capacities, whether individual, corporate or otherwise, of Does 16 through 30, are unknown to Petitioners who therefore sue said Real Parties in Interest by such fictitious names and will seek leave to amend this Complaint and Petition for Writ of Mandamus when they have been ascertained.

III STANDING

18. Petitioners hereby incorporate by reference paragraphs 1 through 17 herein as if fully set forth herein.

19. Petitioners are citizens, taxpayers and landowners in the unincorporated area of the County of San Luis Obispo.

20. The unlawful approval of permits for grading and construction has adversely affected, and will in the future, adversely affect, the interests of Petitioners, and each of them. Petitioners, and each of them, are dedicated to preserving the Agricultural environment of the County of San Luis Obispo, area of Adelaida, as set forth herein, and are concerned about the environmental and agricultural integrity of the County of San Luis Obispo.

21. Notice of the filing of this action, as required by Public Resources Code Section 21167.5 was mailed to the Respondent on December 23, 2008. (See attached Letters and Proof of Service attached hereto as Exhibit "A").

22. Jurisdiction of this court is invoked pursuant to California Code of Civil Procedure Sections 1085 and 1094.5; Government Code Section 54960; California Public Resources Code Section 21167; California CEQA Guidelines Section 15112; the State planning and zoning Laws (commencing at Government Code Section 65000); the Constitution of the State of California; the Constitution of the United States; and other applicable laws and regulations.

IV

FIRST CAUSE OF ACTION
Violation of the California Environmental Quality Act

23. Petitioners hereby incorporate by reference paragraphs 1 through 22 herein as if fully set forth herein.

Failure to Perform Environmental Review and Improper Environmental Review Through Segmentation of Project

24. CEQA requires that an agency conduct environmental review for a project. A project is “an activity which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, that involves the issuance to a person of a lease, **permit**, license, certificate, or other entitlement for use by one or more public agencies.” Public Resources Code § 21065. A “project” means the **whole of an action**, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. 14 CCR § 15378(a).

25. Respondents have failed to perform environmental review of the whole action comprising the actual Project, namely, to convert a property zoned AR - Agriculture - into a commercial use property, including, but not limited to, a bed and breakfast/motel and sales and an event center for weddings and corporate events, in direct violation of CEQA. Respondents approval of the Mitigated Negative Declaration, with knowledge of the separate but essentially concurrent building permit with the intention to convert the residence to a bed and breakfast/motel, is the antithesis of CEQA. Respondents failed to evaluate the “**whole of the action**” for development on the Property which constitutes a “project” under CEQA. The permits and/or approvals granted, and the allowance of work regarding the Property have resulted in segmentation of pieces of the entire Project applied for by Real Party by excluding the bed and breakfast/motel project from the Minor Use Permit. Environmental impacts of a project cannot be submerged by chopping a larger project into smaller pieces. This concept is referred to as “segmentation” or “piecemealing environmental review” and is impermissible under CEQA.

Moreover, the concept of improper segmentation applies to each approval that is part of a Project. The definition of a Project encompasses the entire activity, and not each separate approval. 14 CCR § 15378.1. Respondents must consider “[a]ll phases of project planning, implementation, and operation.” 14 CCR § 15063(a)(1). The analysis must embrace future development that will foreseeably occur if Respondents approve any portion of the project. Accordingly, Respondents failed to proceed in a manner required by law and committed a prejudicial abuse of discretion.

26. The County further violated CEQA when it failed to conduct environmental review for the remodel that is intended to convert a residence to a bed and breakfast/motel. Accordingly, Respondents failed to proceed in a manner required by law and committed a prejudicial abuse of discretion.

V SECOND CAUSE OF ACTION Violation of County Planning and Land Use Regulations

27. Petitioners hereby incorporate by reference paragraphs 1 through 26 herein as if fully set forth herein.

28. Title 22 of the San Luis Obispo County Code states that, “[a] land use that is not listed in Table 2-2 or is not shown in a particular land use category is not allowed.” (§ 22.06.030 (C)). A motel in an area zoned for Agriculture is in violation of the County Code.

29. Petitioners are informed, believe, and on that basis allege, that the remodel is designed to create seven (7) separate rooms, each with its own bathroom and is configured as a bed and breakfast/motel. Petitioners allege that this will not be used as a residential property, rather it will be used in conjunction with wedding and corporate events as a bed and breakfast/motel.

30. Respondent is aware that the Real Party will use the property as a bed and breakfast/motel and is not requiring the requisite rezoning and General Plan amendment for such use. Thus, the Respondents have failed to proceed in a manner required by law.

VI**THIRD CAUSE OF ACTION****Violation of Due Process**

31. Petitioners hereby incorporate by reference paragraphs 1 through 30 herein as if fully set forth herein.

32. The Federal and State Constitutions require due process for affected landowners and other affected parties and in particular that they be provided adequate notice and opportunity to be heard prior to any governmental action that may affect significant rights. These principles are codified in Government Code §§ 65090 and 65091, a part of the State planning and zoning laws.

33. Because the Respondent proceeds with its bed and breakfast/motel without including it in Real Party's Minor Use Permit application in violation of the County code and without requisite General Plan amendments and rezoning, the public was not provided with any notice or a public hearing regarding the bed and breakfast/motel in violation of Due Process.

IX**ATTORNEYS FEES**

34. Petitioners hereby incorporate by reference paragraphs 1 through 33 herein as if fully set forth herein.

35. In pursuing this action, Petitioners will enforce important rights affecting the public interest and (a) a significant benefit will be conferred on the general public or a large class of persons, (b) the necessity and financial burden of private enforcement are such as to make an award of attorneys fees appropriate, and (c) such attorneys fees should not in the interest of justice be paid out of the recovery, if any. Petitioners are therefore entitled to recover from Respondent and Real Party reasonable attorneys' fees and costs pursuant to Section 1021.5 of the Code of Civil Procedure and other applicable provisions of law.

**X
INJUNCTION**

36. Petitioners hereby incorporate by reference paragraphs 1 through 35 herein as if fully set forth herein.

37. An actual controversy has arisen concerning Respondent's failure to comply with CEQA, and County of San Luis Obispo Land Use regulations, as set forth above.

38. As a result of the above alleged violations of CEQA and County of San Luis Obispo Land Use regulations, Respondents have failed to conduct adequate environmental review as required by law, have failed to provide the public with information concerning environmental impacts and have failed to require compliance with state and local land use regulations.

39. At all times mentioned herein, Respondent has been able to perform the duties specified in this Petition. Notwithstanding such ability, Respondent has failed and continues to fail to perform said duties to require and perform sufficient environmental review and comply with applicable land use regulations. Said actions will irreparably harm the environment, and will result in significant impacts on the Property and surrounding areas.

40. Petitioners possess no speedy, adequate remedy at law, in that implementation and development in connection with the Property will permanently and forever harm, injure, degrade and impact the environmental values of the County of San Luis Obispo and the Adelaida area. Petitioners as citizens, residents, property owners, and taxpayers of the County of San Luis Obispo and the Adelaida area will suffer irreparable and permanent injuries if Respondent's actions herein are not set aside and compliance with CEQA and local land use regulations not required.

41. A stay and/or restraining order and preliminary and permanent injunction should issue restraining Respondents from allowing and Real Party from proceeding with using the remodel structures as a bed and breakfast/motel absent compliance with CEQA and applicable land use regulations, General Plan amendments and rezoning laws.

PRAYER

WHEREFORE, Petitioners pray for judgment as follows:

1 1. For a Peremptory Writ of Mandate ordering Respondents to require requisite land use
2 approvals for a bed and breakfast/motel and to otherwise comply with CEQA by requiring
3 environmental review for the *bed and breakfast/motel*;


4 2. For an order staying the Real Party from using any structure on the Property as a bed
5 and breakfast/motel;

6 3. For costs of suit and reasonable attorneys' fees under California Code of Civil
7 Procedure Section 1021.5, and any other applicable provisions of law; and

8 4. For such other and further relief as the Court deems just and proper.

9 Dated: April 8, 2015

Respectfully submitted,
WITTWER PARKIN LLP

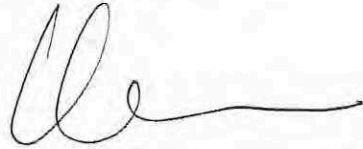
11 By 
12 William P. Parkin
13 Attorneys for Petitioners
14 WILTON WEBSTER
15 HELEN WEBSTER

VERIFICATION

I, WILLIAM P. PARKIN, say:

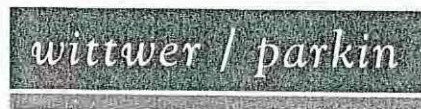
I am Attorney of Record for WILTON WEBSTER and HELEN WEBSTER, parties to this action.

I have read the Complaint and Petition for a Writ of Mandamus and know the contents thereof. I am informed and believe that the matters therein are true and on that ground allege that the matters stated therein are true. This verification was not signed by a party to this action because Wilton Webster and Helen Webster are absent from the county where I have my office at the time this Complaint and Petition for Writ of Mandamus was drafted and ready for filing. This verification was executed on April 8, 2015, at Santa Cruz, California.



William P. Parkin

Exhibit A



April 8, 2015

Board of Supervisors
County of San Luis Obispo
1055 Monterey St., Suite D430
San Luis Obispo, CA 93408

RE: Notice of Intent to Commence Litigation

Pursuant to the requirements of Public Resources Code Section 21167.5, this letter will serve as notice that Wilton Webster and Helen Webster will commence litigation against the County of San Luis Obispo.

The litigation challenges approvals related to property located at 8530 Vineyard Drive, County of San Luis Obispo. The Websters challenge the County's and Willow Creek NewCo LLC actions regarding the approval of the remodel that will serve as a bed and breakfast/motel without requisite land use approvals, General Plan amendments and rezoning. The proposed use of the remodel as a bed & breakfast/remodel also violates CEQA because the County is segmenting environmental review by separately approving Minor Use Permit DRC2013-00028 without consideration of the bed and breakfast/motel. Petitioners further allege that a bed and breakfast/motel is not permitted on the Property and is illegal pursuant to the San Luis Obispo County Land Use regulations.

The litigation has been commenced because the actions listed in the preceding paragraph do not comply with the requirements of the California Environmental Quality Act, California planning & zoning laws and requirements for due process.

Very truly yours,
WITTWER PARKIN LLP

A handwritten signature in black ink, appearing to read 'William P. Parkin', written over the printed name.

William P. Parkin

WITTWER PARKIN LLP / 147 S. RIVER ST., STE. 221 / SANTA CRUZ, CA / 95060 / 831.429.4055

WWW.WITTWERPARKIN.COM / LAWOFFICE@WITTWERPARKIN.COM

PROOF OF SERVICE BY MAIL

I certify and declare as follows:

I am over the age of 18, and not a party to this action. My business address is 147 S. River Street, Suite 221, Santa Cruz, CA, which is located in Santa Cruz County where the mailing described below took place.

I am familiar with the business practice at my place of business for the collection and processing of correspondence for mailing with the United States Postal Service. Correspondence so collected and processed is deposited with the United States Postal Service that same day in the ordinary course of business.

On April 8, 2015, the following document(s):


1. **NOTICE OF INTENT TO COMMENCE LITIGATION**

was placed for deposit in the United States Postal Service in a sealed envelope, with postage fully paid to:

Board of Supervisors
County of San Luis Obispo
1055 Monterey Street, Suite D430
San Luis Obispo, CA 93408

I certify and declare under penalty of perjury that the forgoing is true and correct.

Dated: April 8, 2015


Debbie Downing

ATTACHMENT 7

From: Holly Phipps/Planning/COSLO
To: mandi@kirk-consulting.net
Date: 10/28/2014 09:55 AM
Subject: Playing with Project conditions

EXHIBIT B - CONDITIONS OF APPROVAL

Approved Development

1. This approval authorizes

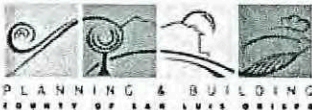
- a. A wine processing and storage facility and a wine and olive oil tasting room to be located in an existing 2,471 square foot olive oil processing and storage facility (3,775 square feet total including a 1,304 square foot outdoor use area).
- b. ~~Special Events consisting of 6 annual events with up to 80 guests.~~
- c. ~~Special events are limited to 40 days per year.~~
- d. ~~Amplified music shall only be allowed from 10 a.m. to 5 p.m. No amplified music shall occur before 10 a.m. or after 5 p.m.~~

The old winery processing was limited to 5,000 cases so I will add that. For olive processing, I will limit to 200 ton production yield.

New Project Description:

A request by Willow Creek NewCo. LLC for a Minor Use Permit to allow for the phased construction and expansion of an existing agricultural processing facility (olive oil and wine) to include the following: demolition of an existing barn and replacement with new construction of a 6,946 square foot (sf); construction of two new buildings (2,600 sf and 3,000 sf) to include processing, tasting room, commercial kitchen, office, and storage; construction of an outdoor terrace, parking area and access improvements; establishment of temporary events; and eventual processing of off-site olives.

Holly Phipps, MCRP
North County & Winery Planner



976 Osos Street, Room 300
San Luis Obispo, CA, 93408
805-781-1162
<http://www.sloplanning.org>

----- Forwarded by Holly Phipps/Planning/COSLO on 03/09/2015 12:16 PM -----

From: Holly Phipps/Planning/COSLO
To: Mandi Pickens <mandi@kirk-consulting.net>
Date: 10/28/2014 11:36 AM
Subject: Re: FW: Willow Creek Developer's Statement, BR-13


Here you go:

EXHIBIT C

----- Forwarded by Holly Phipps/Planning/COSLO on 03/09/2015 12:16 PM -----

From: Elizabeth Szwabowski/Planning/COSLO
To: Holly Phipps/Planning/COSLO@Wings
Cc: Stephen Hicks/Planning/COSLO@Wings, Bill Robeson/Planning/COSLO@Wings, Laurie Donnelly/CDFCountyFire/COSLO@Wings
Date: 06/03/2014 02:45 PM
Subject: DRC 2013-00028 & PMT2013-02460 - Willow Creek - Change of Use from R-3 (residence) to R-1 (motel)

Holly, Thank you for your time today.

Here are the key issues I have discovered while plan checking the house/motel. As you said, they will need to revise their Land Use permit to include the motel use (Bed & Breakfast). 

1) RESUBMITTAL REQUIRED

As you are aware the Building Official is responsible to classify the structure per 2013 CBC 104, the plans were submitted as a residential remodel and addition but the plans actually meet the definition & occupancy classification for a motel, R-1 per 2013 CBC 310, 310.3 & 310.5. To be classified as a house you will need to have 16 or fewer occupants. The occupant load factor is 200 sq. ft. per occupant (Table 1004.1.2) and therefore your occupant load for this structure is 35 occupants. The plan shows a motel (bed and breakfast) with an attached guest house of 805 sq ft with separate entry and includes 7 bedrooms with 7 bathrooms serving each bedroom. The building is classified as a R-1 (motel) not a R-3 (residence).

You will need to resubmit a revised application for CHANGE OF USE from R-3 (residence) to R-1 (motel) and include 4 sets of commercial plans and construction

documents, include the required components. Please set up a permit intake meeting with Steve Hicks, Supervising Plans Examiner, 805-781-5709 or Elizabeth Szwabowski, 781-5725. **IMPORTANT!** Make an appointment to resubmit the motel application. The working drawings and supporting documents shall be prepared & coordinated by a licensed Architect in the State of California.

Additional revised fees will be calculated for the new commercial/motel submittal. Be prepared to pay the 1st installment. At the intake meeting we will calculate the fees.

2) SCOPE OF WORK: CHANGE OF USE from R-3 (residence) to R-1(motel)

Your scope of work is as follows; Residential remodel (5,960 sq. ft.) & convert existing garage to habitable space (805 sq. ft.) & enclose porch area (178 sq. ft.), includes new windows & doors, demolition of ~90 % of the ext. & int. walls, structural modifications including new walls, headers, beams, & footings, adding (??) bedrooms, adding (??) bath rooms, altering the support systems (??), no modifying roofing material is proposed and patching of existing siding (??).

Please clarify the following questions:

- How do you patch exterior when you are removing most ext. walls?
- How does the roof not get modified when the exterior walls are demolished?
- How will you support the roof system when you are demolishing ~ 90 % of the interior and exterior walls? Shoring?

The scope of work is actually as follows;

Change of use permit from R-3 to R-1, the existing residence is (5,960 sq. ft.) & convert existing garage to habitable space (805 sq. ft.) & enclose porch area (178 sq. ft.) into habitable space, also includes new windows & doors, demolition of ~90 % of the ext. & int. walls, structural modifications including new walls, headers, beams, & footings, totaling (7) bedrooms with attached (7) bath rooms, altering the support systems (??), no modifying roofing material is proposed and patching of existing siding (??).

3) REQUIRED SUBMITTAL COMPONENTS

The resubmittal shall include the following;

- Complete working drawings for a motel (R-1) use including a code analysis, verify compliance w/ details of fire & smoke resistance, clearly label required fire partitions & barriers for walls and floor systems. Provide approved fire-resistance-rated assemblies, member and through penetrations details include F-rating & T-ratings, cross sections identifying fire resistive components and details. Provide the approved details (UL approved devices, or other approved devices) for fire dampers, fire alarm, protection of fire & smoke resistance penetrations, key and reference all details. Evaluate & identify fire and smoke fire protective elements. Address sound transmission controls & flame spread ratings.
- Supporting Construction documents for motel.
- Provide structural cross sections through each unique Fire resistance condition from the foundation to the underside of the roof sheathing.
- Show compliance with Wild Urban land Interface, Chp 7A, 2013 CBC.

- e) Include Fire Sprinkler plans and supporting calculations.
- f) Grading & drainage plans including all site utilities, drainage, & low impact design features.
- g) Plans shall address disabled access compliance including path of travel, parking, egress, restrooms, etc.
- h) Septic & leach design and supporting calculations for a motel, include percolation testing.
- i) Working drawings for electrical, mechanical, and plumbing plans, stamped and signed by a licensed professional.
- j) Energy compliance documents for non-residential.
- k) Duct sizing calculations per ACCA manual standards.
- l) Green Build Ordinance and Code.
- m) Revise structural calculations for a motel.
- n) Provide shoring plans and supporting calculations to support the roof.

4) REGISTERED DESIGN PROFESSIONAL IN RESPONSIBLE CHARGE

The entire scope of work for this project must be designed by a California registered Architect. All plan sheets to be signed and stamped by the licensed professional.

5) EXISTING FLOOR PLAN

- a) Provide an existing floor plan for the residence show the number of existing bedrooms and baths.
- b) How many new bedrooms and baths are you proposing?
- c) What is the permit number for the existing residence? Note the permit number in the scope of work and note on the plans.

6) SITE PLAN/PERMIT HISTORY

- a) Label each structure and note the use of the structure include the building permit number.
- b) Verify all structures have proper permits. The applicant must ID all residences and show permits with farm support agreements.

Label each structure on the site plan and note the use and size of the structure include the building permit number. Verify all structures have proper permits excluding structures under 120 sq ft.

7) PLANNING APPROVAL - DRC 2013-00028

Obtain Planning approval for the motel (R-1) use. Modify the currently Land use permit that is in process to allow for the motel use, DRC 2013-00028.

Incorporate "the project conditions of approval" on the plans. If you need assistance in locating these conditions please contact the case planner, Holly Phipps, 781-1162.

Thanks, we'll be in touch, please return the plans when you are done.

With Regards,
Elizabeth Szwabowski
(805) 781-5725

LANDOWNER STATEMENT

LANDOWNERS' STATEMENT OF COMPLIANCE WITH THE WILLIAMSON ACT

A. Statement of Intent

San Luis Obispo County Department of Planning and Building cannot take action on any building permit or land use permit application involving a new structure or use on a parcel restricted by a Land Conservation Contract until such time as sufficient evidence is presented to the County and/or the California State Department of Conservation that the proposed new use is in compliance with and is compatible with the Land Conservation Contract.

The purpose of this form is to provide sufficient information to make a determination of compliance and to document that the landowner/applicant is aware of the provisions of Government Code Section 51250 (also known as the Laird Bill, AB 1492) regarding material breaches of land conservation contracts and associated financial penalties.

B. Applicant Information

Landowner:

Name Willow Creek NewCO LLC
 Address 940 South Coast Dr. Ste 260 Costa Mesa, CA 92626
 Telephone Number _____

Applicant (if different from landowner):

Name Pasolivo
 Address same as above
 Telephone Number _____

Assessors Parcel Number(s) of all land under land conservation contract affected by the application for a land use permit or building permit:

014-331-073

C. Project DescriptionBuilding Permit Application No. noneLand Use Permit Application No. DRC2013-00028Describe in detail what the project consists of: Minor Use Permit- Expansion of Olive Oil Processing and Visitor Serving uses

Explain how you intend to place the proposed structure or establish the use to minimize impacts on the property and to not compromise long-term agricultural operations: _____

Project will utilize existing access and structures. Expansion will be condensed to existing developed area and will not impact surrounding olive orchards.

D. Existing Contract InformationOriginal Contract Name: GeringerContract Recording Information: AGP2012-00004

Contract Resolution Number: _____

Assessor's Parcel Number(s) subject to the contract: 014-331-071 & 014-101-004 (ptn)Minimum Parcel Size for Conveyance: 160 acres**E. Existing Buildings and Non-Agricultural Land Uses**

Describe all existing buildings on the property, including their size, location and use and identify the assessors parcel number if there are multiple parcel numbers:

Olive Oil Processing Facility with Tasting Room-3,100sfResidence (Foreman's) Slated for Removal- +/-1,500sfBarn- slated for a replacement barn= +/-5,400sfSFRSFR-1979sf-2nd primary* All structures are located on the same APN- 014-331-073

Describe all existing non-agricultural land uses on the property (if any), including their scope and duration, location and the assessor's parcel number, if there are multiple parcel numbers:

All uses on the site are related to on-site agriculture, single family residences provide for onsite family management of farming operations.

F. Existing Agricultural Use

Describe in detail all current agricultural crops and activities (or the last crop grown and the approximate date planted, if fields are currently fallow):

+/- 45 acres olive orchards

G. Proposed Measures to Ensure Continued Compliance

What is your long-term intent for the property? The intent is to continue the agricultural use of the site. Onsite Ag Processing will provide for ongoing success of the existing onsite agriculture.

Explain how you are maintaining the agricultural viability of the land and how agriculture will remain the primary use of the property:

Existing agriculture will not be compromised by proposed development. Development will be clustered near existing development which is centralized into one location, away from the olive orchards.

Olive processing expansion and visitor serving uses will aid in ag viability by providing onsite.

Explain how new structures or operations on the parcel will neither restrict nor impede any existing agricultural operations on the existing parcel or on adjoining contracted land:

The small expansion proposed will be clustered with existing development away from the existing olive orchards.

Explain how your agricultural operations will not result in any lands being proposed for withdrawal from the Williamson Act:

There are not plans to withdraw the contracts from Williamson Act. The proposed project will not interfere with the existing agricultural operation, as it will aid in overseeing the the ag operation's success. This proposal is consistent with the Williamson Act Contract and the adopted Rules of Procedure.

H. Acknowledgement

The Landowner makes the following representations:

- 1) I acknowledge that the activity, use or structures as proposed will be conducted in such a way as to maintain the agricultural viability of the parcel and ensure that agriculture is the primary use of the property.
- 2) I am aware of the provisions of the Williamson Act (Section 51250 of the California Government Code) and of the allowable uses on Williamson Act properties, as defined by San Luis Obispo County Code and the San Luis Obispo County Rules of Procedure To Implement The California Land Conservation Act of 1965.
- 3) I understand that AB1492 (Government Code Section 51250) defines specific and substantial penalties if structures on the parcel are found by the County of San Luis Obispo or the State of California to result in a material breach of the contract provisions.
- 4) I acknowledge that the Department of Conservation has indicated that: "Residences not incidental to an agricultural use are prohibited, and may trigger AB1492 penalties. These may include residences for family members not involved with the agricultural use, or residences constructed on contracted parcels with no commercial-agricultural use."
- 5) I acknowledge that the activity, use or structures as proposed are of a size and type that would not adversely affect the on-site or adjacent farming operations and would be incidental to or in support of the primary agricultural use of the property. I understand that the County has a "right to farm" policy.
- 6) I understand that it is my sole responsibility as the Landowner to ensure that all activities, uses and structures on this parcel are in compliance with the provisions of the Williamson Act and San Luis Obispo County Code, and that those activities will not result in a material breach of the Land Conservation Contract.


ATTACHMENT 7

- 7) The evidence I have provided in this application or in an attached written statement supports the following findings:
- a) The use will not significantly compromise the long-term productive agricultural capability of the subject contracted parcel or parcels or on other contracted lands in the Agricultural Preserve.
 - b) The use will not significantly displace or impair current or reasonably foreseeable agricultural operations on the subject contracted parcel or parcels or on other contracted lands in the vicinity. Uses that significantly displace agricultural operations on the subject contracted parcel or parcels may be deemed compatible if they relate directly to the production of commercial agricultural products on the subject contracted parcel or parcels or neighboring lands, including activities such as harvesting, processing or shipping.
 - c) The use will not result in the significant removal of adjacent contracted land from agricultural or open-space use.
- 8) In consideration of the County's processing and consideration of this application for approval of the land use project, development, grading or building permit being applied for (the "Project"), and any related discretionary or ministerial actions, or any related California Environmental Quality Act (CEQA) consideration by the County, the Owner and Applicant, jointly and severally, agree to indemnify the County of San Luis Obispo ("County") from liability or loss connected with the Project approvals as follows:
- a) The Owner and Applicant shall defend, indemnify and hold harmless the County and its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul the Project or any prior or subsequent development approvals regarding the Project or Project condition imposed by the County or any of its agencies, departments, commissions, agents, officers or employees concerning the said Project, or to impose liability against the County and its agents, officers or employees resulting directly or indirectly from approval of the project, including any claim for attorney fees claimed by or awarded to any party from the County. The obligations of the Owner and Applicant under this Indemnification shall apply regardless of whether any permits or entitlements are issued.
 - b) The County will promptly notify Owner and Applicant of any such claim, action or proceeding that is or may be subject to this indemnification and will cooperate fully in the defense.
 - c) The County may, within its unlimited discretion, participate in the defense of any such claim, action or proceeding. To the extent that County uses any of its resources responding to such claim, action or proceeding, Owner and Applicant will reimburse County upon demand. Such resources include, but are not limited to, staff time, court costs, County Counsel's time at their regular rate for external or non-County agencies, and any other direct or indirect costs associated with responding to the claim, action or proceedings, including expert consultant and witness costs.

ATTACHMENT 7

- d) The Owner and Applicant shall not be required to pay or perform any settlement by the County of such claim, action or proceeding unless the settlement is approved in writing by Owner and Applicant, which approval shall not be unreasonably withheld.
- e) The Owner and Applicant shall pay all court ordered costs and attorney fees.
- f) This indemnification represents the complete understanding between the Owner and Applicant and the County with respect to matters set forth herein.

IN WITNESS WHEREOF, by their signature below, the Owner and Applicant hereby certify that the information set forth in this Landowners' Statement of Compliance is true and correct, and that they have read, understand and agree to perform the obligations under this Statement and the indemnification.

Property Owner(s):  11-19-2013
Signature Date

Property Owner(s): _____
Signature Date

Applicant(s): _____
(If different from above) Signature Date

LAND CONSERVATION CONTRACT

THIS LAND CONSERVATION CONTRACT is made and entered into this ____ day of _____, 20____, by and between WILLOW CREEK NEWCO LLC, a Delaware Limited Liability Company, hereinafter referred to as "Owner", and the COUNTY OF SAN LUIS OBISPO, a political subdivision of the State of California, hereinafter referred to as "County".

WITNESSETH

WHEREAS, Owner possesses certain real property situated in the County of San Luis Obispo, State of California, hereinafter described as "the subject property", and more particularly described in Exhibit A attached hereto and incorporated by reference herein as though set forth in full; and

WHEREAS, the subject property is devoted to agricultural uses and uses compatible thereto, and is located within an agricultural preserve heretofore established by the County; and

WHEREAS, both Owner and County desire to limit the use of the subject property to agricultural, related and compatible uses in order to preserve a maximum amount of agricultural land, to conserve the State's economic resources, to maintain the agricultural economy, to assure a food supply for future residents, and to discourage premature and unnecessary conversion of agricultural land to urban uses, recognizing that such land has public value as open-space and constitutes an important physical, social, aesthetic, and economic asset to the County; and

WHEREAS, the placement of the subject property in an agricultural preserve and the execution and approval of this contract is deemed to be a determination that the

2. During the term of this contract, the subject property shall not be used for any purpose other than "agricultural or compatible uses" as defined in this paragraph. "Agricultural or compatible uses" as used in this contract are described in the County's Rules of Procedure to Implement the California Land Conservation Act of 1965. Table 2 of the Rules of Procedure provides a list of all land uses which are defined in the Land Use Element for the Inland Portion and Coastal Zone of the County and denotes whether these uses are allowable, conditional per Table 2 footnotes, or prohibited. "Agricultural or compatible uses" are subject to all applicable standards in and requirements of the Land Use Element and the Land Use Ordinance/Coastal Zone Land Use Ordinance for the Agriculture land use category. If the subject property is not already in the Agriculture land use category, the County will initiate a general plan amendment to change the land use category to Agriculture within one year after the agricultural preserve is established.

The parties further recognize that the Land Use Element, Land Use Ordinance/Coastal Zone Land Use Ordinance, and Rules of Procedure to Implement the California Land Conservation Act of 1965 may be amended in accordance with State law and the County Code. The parties further recognize that the uses allowed pursuant to this contract may be expanded or restricted from time to time by reason of such amendments. The subject property is currently designated by the Land Use Element and Land Use Ordinance/Coastal Zone Land Use Ordinance as Agriculture.

3. This contract shall be effective as of the day and year first above written and shall remain in effect for the period of 20 years there from; provided, however, that beginning with the first day of January of the year in which the contract will have an unexpired term of nine years, and on each first day of January thereafter, a year shall

8. The minimum lot size for the purposes of this contract shall be 160 acres. Any act by Owner which results in creation of a parcel or parcels of land, within the above-described premises, smaller than the minimum lot size prescribed in this paragraph for said premises shall constitute a violation of this contract and shall be subject to all the provisions of paragraph 6 hereof.

9. Any transfer by Owner of any portion of the property which is the subject of this contract shall be a violation of this contract, if the portion transferred is smaller in size than the minimum lot size prescribed in the provisions of paragraph 8 above. Such a violation shall be subject to all of the provisions of paragraph 6 hereof. Provided, however, if the subject property is smaller in size than the minimum lot size prescribed in the provisions of paragraph 8 above, the subject property may be transferred in its entirety. Provided further, however, if the subject property is located in whole or in part within one mile of an urban reserve line or adjacent to a village reserve line as designated by the Land Use Element, an existing parcel or a group of contiguous existing parcels may be transferred if the property transferred and the property retained each satisfies the minimum acreage required to qualify according to Table 1 of the Rules of Procedure.

10. The trust deed beneficiaries and mortgagees, if any, listed on the lot book guarantee or preliminary title report referred to above, and whose signatures are affixed hereto, do hereby assent to this contract, and, further, do hereby subordinate their respective interests to the contractual restrictions imposed by this contract, specifically to the agricultural and compatible uses and minimum lot sizes imposed on the subject property by reason of this contract.

OWNER

WILLOW CREEK NEWCO LLC,
a Delaware Limited Liability Company

By: 
[Name]: Brian Dirk
Its [Title]: President

[NOTE: This contract will be recorded. All signatures to this contract must be acknowledged by a notary on an all purpose acknowledgement form.]

STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN LUIS OBISPO)

On _____, before me, _____, Deputy
County Clerk-Recorder, County of San Luis Obispo, State of California, personally
appeared _____, who proved to
me on the basis of satisfactory evidence to be the person whose name is subscribed
to the within instrument and acknowledged to me that he/she executed the same in
his/her authorized capacity, and that by his/her signature on the instrument the
person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

JULIE L. RODEWALD, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors

By: Deputy County Clerk-Recorder

[SEAL]

EXHIBIT "A"
Legal Description

Parcel 5 of Parcel Map COAL 84-154, located within the south one-half of Section 36, Township 26 South, Range 10 East, Mount Diablo Base and Meridian, in the County of San Luis Obispo, State of California according to Parcel Map filed September 25, 1985 in Book 38 of Parcel Maps, Page 13, and amended per Parcel Map filed May 9, 1986 in Book 39 of Parcel Maps, Page 34, in the office of the County Recorder of said County,

TOGETHER WITH that portion of the northeast quarter of Section 1, Township 27 South, Range 10 East, Mount Diablo Base and Meridian, in the County of San Luis Obispo, State of California as described in a grant deed recorded September 21, 2004 as Document 2004-082996 in the office of said County Recorder of said County, described as follows:

COMMENCING at a 2" iron pipe with brass cap stamped "RCE 20244" marking the South Quarter Corner of Section 36, Township 26 South, Range 10 East, Mount Diablo Base and Meridian, said brass cap is described and shown on Record of Survey filed March 9, 2005 in Book 91 of Licensed Surveys, Page 14, in said office of County Recorder, and from which point of commencement a 1/2" rebar with plastic cap stamped "LS 5145" situated on the line common to said Sections 1 and 36, and marking the southeast corner of said Parcel 5 of Parcel Map COAL 84-154 as shown on said Record of Survey, bears South 89° 34' 27" East, 2351.12 feet; said 2" iron pipe with brass cap stamped "RCE 20244" being also the North Quarter Corner of Section 1, Township 27 South, Range 10 East, Mount Diablo Base and Meridian;

thence easterly from said point of commencement along the line common to said Sections 1 and 36, South 89° 34' 27" East, 18.00 feet to the centerline of Vineyard Drive as shown per said Record of Survey;

thence continuing along said line common to said Sections 1 and 36, South 89° 34' 27" East, 30.00 feet, to a point on the easterly right of way line of Vineyard Drive (sixty feet wide) as shown per said Record of Survey, said point being the **true point of beginning**;

thence continuing along said line common to said Sections 1 and 36, South 89° 34' 27" East, 162.00 feet;

thence leaving said common line, South 82° 00' 04" West, 163.81 feet, more or less, to a point on the easterly right of way line of said Vineyard Drive, said point bears South 00° 31' 12" West, 24.00 feet along said easterly right of way line from said true point of beginning;

thence along said easterly right of way line, North 00° 31' 12" East, 24.00 feet to the true point of beginning.

REQUESTED BY:

County of San Luis Obispo

AND WHEN RECORDED MAIL TO:

Clerk of the Board of Supervisors
County of San Luis Obispo
County Government Center
San Luis Obispo, CA 93408

SUBORDINATION AGREEMENT

NOTICE: THIS SUBORDINATION AGREEMENT RESULTS IN YOUR SECURITY INTEREST IN THE PROPERTY BECOMING SUBJECT TO AND OF LOWER PRIORITY THAN THE LIEN OF SOME OTHER OR LATER SECURITY INSTRUMENT. (THIS NOTICE REQUIRED BY CALIFORNIA CIVIL CODE SECTION 2953.3.)

The undersigned, beneficiary under that certain Deed of Trust dated October 29, 2012, recorded November 2, 2012, as Document No. 2012-063790, of the Official Records in the office of the County Recorder of the County of San Luis Obispo, State of California, hereby consents to the Land Conservation Contract entered into between WILLOW CREEK NEWCO LLC, a Delaware Limited Liability Company, and the County of San Luis Obispo, recorded concurrently herewith, and does hereby subordinate the interests of its Deed of Trust to the entire effect of the Land Conservation Contract.

SIGNED AND EXECUTED this 14th day of Feb., 2013.

BENEFICIARY

FARM CREDIT WEST, FLCA

By: Thomas McGuire
[Name]: Thomas McGuire
Its [Title]: Vice President

[NOTE: This Subordination Agreement will be recorded. All signatures to this agreement must be acknowledged by a notary.]

12009ktagr.doc

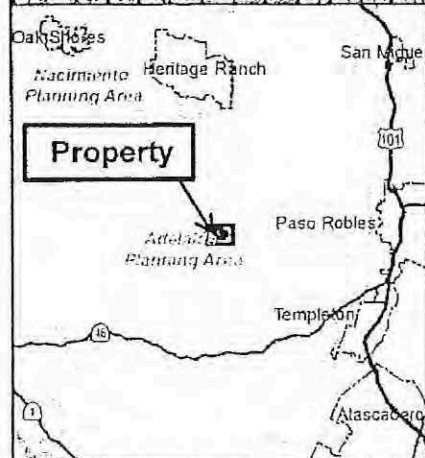
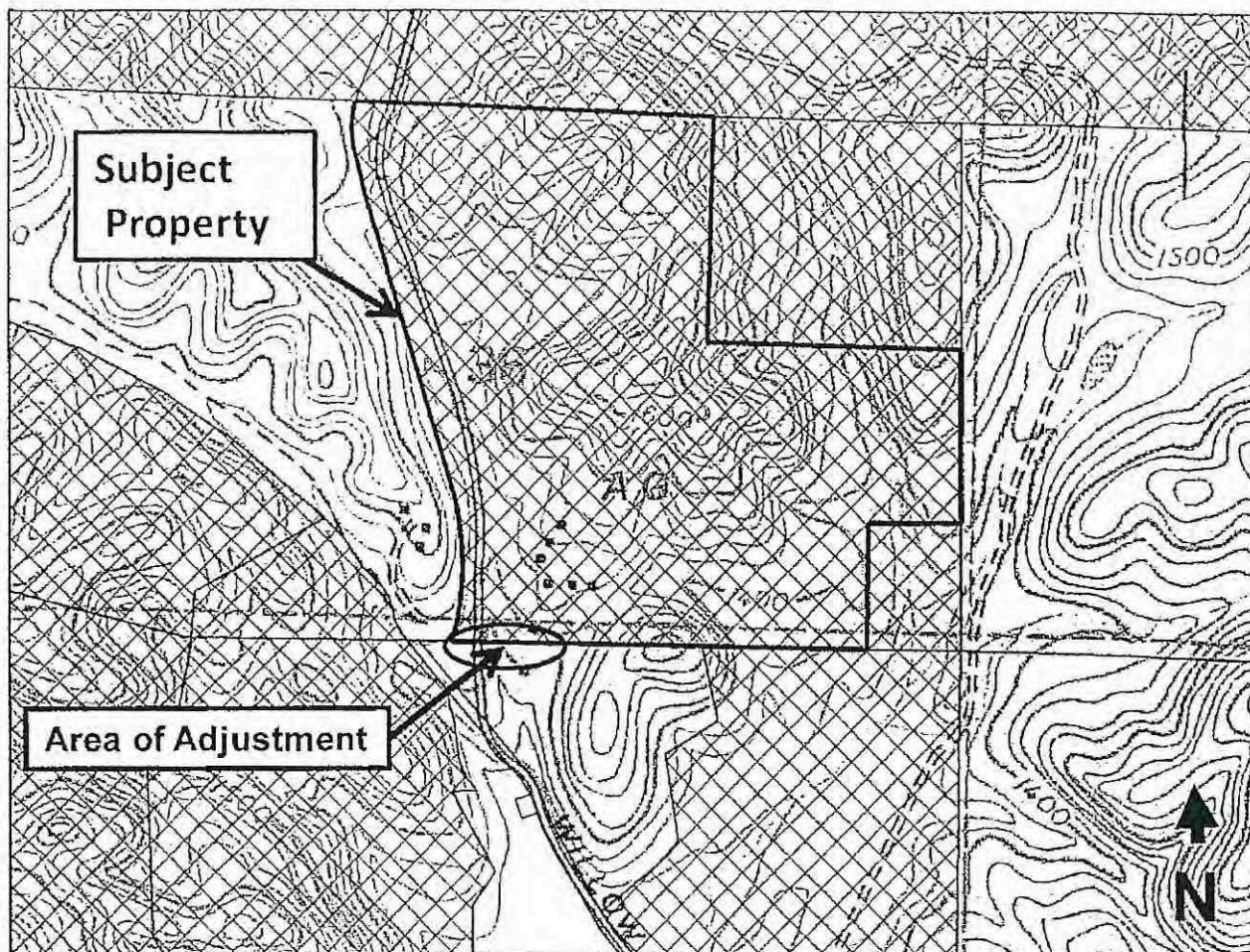


Exhibit A: Adelaida Agricultural Preserve No. 16, Amendment No. 1



-  Subject Property APNs: 014-331-071 & 014-101-004 (PTN)
-  Land in Agricultural Preserve & Contract

EXHIBIT A: Alter the Boundaries of an Agricultural Preserve to Reflect a Lot Line Adjustment

File No. AGP2012-00004	Geringer
Minimum Parcel Size:	160 Acres
Minimum Term of Contract:	20 years
Resolution No:	Date:

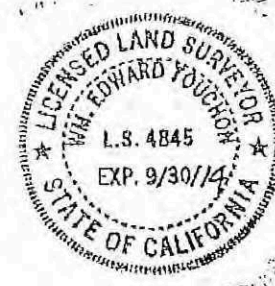
The above described parcel of land contains approximately 134.06 acres.

END DESCRIPTION

SURVEYOR'S STATEMENT

This legal description was prepared by me or under my direction in conformance with the requirements of the Land Surveyor's Act.

Wm. E. Touchon January 28, 2013
Wm, E. Touchon, L.S. 4845 Date



IN THE BOARD OF SUPERVISORS

County of San Luis Obispo, State of California

Tuesday May 6, 2008

PRESENT: Supervisors Harry L. Ovitt, Bruce S. Gibson, Jerry Lenthall,
K.H. 'Katcho' Achadjian, and Chairperson James R. Patterson

ABSENT: None

RESOLUTION NO. 2008-152

RESOLUTION REVISING POLICIES REGARDING LAND DEVELOPMENT IMPROVEMENTS ON COUNTY MAINTAINED STREETS AND ROADS

The following Resolution is now offered and read:

WHEREAS, on July 2, 1991, the Board of Supervisors adopted Resolution No. 91-387, establishing requirements for subdivision street and road improvements on County-Maintained Roads; and

WHEREAS, since that time there has been increased interest in a type of development known as Agricultural Cluster subdivisions; and

WHEREAS, there have been other types of intensification of land use in rural areas which need to have appropriate levels of road improvements required as conditions of approval in order to provide safe conditions for the public using the County-maintained road system; and

WHEREAS, the rate of vehicle collisions in the rural areas of San Luis Obispo County have had an increasing trend for several years, indicating a need to revise development policies.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, as follows:

A. Road Improvement Requirements

1. Improvements required with subdivisions. County-maintained streets or roads fronting subdivisions shall be improved to current County Public Improvement Standards, including bikeways where designated in the latest adopted edition of the County Bikeways Plan, when the subdivision is within:
 - a. Industrial, Commercial Retail, Commercial Service, Office/Professional, Residential Suburban, Residential Single Family or Residential Multi Family land use categories or,
 - b. Residential Rural land use category, where that roadway has a projected Average Daily Traffic (ADT) greater than 100.

ATTACHMENT 7

In cases (a) and (b), the County-maintained street or road shall be improved fronting the property, and continuing to the nearest paved publicly-maintained road which meets or exceeds the standard improvements required. The level of improvement (e.g., A-1 rural, A-1j gravel, A-2 urban or A-3 commercial/industrial) shall be required as defined in the Public Improvement Standards and as further defined by this Resolution.

- c. Agriculture or Rural Lands land use categories, where the subdivision is a cluster.

In case (c), the County-maintained road shall be improved to widen to complete the project side of an A-1 (rural) standard according to the criteria in Table 1:

Table 1. Criteria for road improvements for Ag/RL cluster subdivisions

Number of residential lots per entrance*	Improve this length of road**
1-7	300 feet each side of entrance
8-20	1/4 mile, centered on entrance
21-40	1/2 mile, centered on entrance
41+	1 mile, centered on entrance

- * For projects which propose a "loop" configuration, half of the lots along the loop shall be assumed to be served by each entrance.

- ** Where the subdivision adjoins two or more County-maintained roads, the length shall be measured along the road with the highest traffic volume, measured from the intersection with the road with the second-highest traffic volume, as determined by the Department of Public Works.

2. **Improvements required for developments which attract public traffic.** Land development projects in rural areas which are not subdivisions, and which will attract general public traffic (e.g., wine tasting, ag tourism, events, etc.) on County-maintained roads, shall be approved with a condition to widen to complete the project side of an A-1 (rural) standard according to the criteria in Table 2 below, prior to occupancy of any new structure, or initiation of the use, if no structure is proposed. In addition, all land development projects shall be subject to the requirements of the County Public Improvement Standards for requirements of any driveway connections to the County-maintained road system. This may involve paving, grading or vegetation clearance as necessary to provide proper sight distance and handling of drainage.

Table 2. Criteria for road improvements for non-subdivision developments

Development regular ops. General public peak hour trips	Development event General public peak hour trips	Improve this length of road*
1-10	1-100	RSA** only
11-20	101-200	1/4 mile from entrance toward nearest intersection + RSA**
21-40	201-400	1/2 mile from entrance toward nearest intersection + RSA**
41+	400+	1 mile from entrance toward nearest intersection + RSA**

- * Where the development adjoins two or more County-maintained roads, the length shall be measured along the road with the highest traffic volume, measured from the intersection with the road with the second-highest traffic volume, as determined by the Department of Public Works.

- ** RSA: Roadway Safety Analysis, defined in Section B (below).

ATTACHMENT 7

3. **Public traffic on privately-maintained roads.** No proposed land development project in rural areas which will attract general public traffic (e.g., wine tasting, ag tourism, events, etc.), shall be permitted on roads which are privately maintained, without submission of a road maintenance agreement, signed by the owners of all property on which the access roads are located and binding upon their heirs and assigns. The agreement shall be required to establish an organized and perpetual mechanism to ensure adequate maintenance of the roads, acceptable to the Department of Public Works. Required improvements for the privately-maintained roads shall be based upon recommendations from the applicable fire protection agency.
4. **Cross-section required.** When subdivisions or other land development projects are required to construct improvements on streets or roads which are, or will become, County-maintained, they shall contain the following cross-sectional elements:
 - a. Streets or roads which are entirely within a subdivision or development shall be improved to the full width of the appropriate standard section.
 - b. When the subdivision or development fronts a part-width street or road previously constructed through the activities of others, whether publicly-maintained or private, the subdivision or development shall be required to widen to complete the project side of the appropriate standard section from the Public Improvement Standards, fronting the property or for length determined by Tables 1 and 2 above.
 - c. When the subdivision or development fronts a street or road which is to be newly constructed, the initial part-width improvement shall be to construct the full improvement on the project side plus a full travel lane on the opposite side, according to the appropriate standard section from the Public Improvement Standards, fronting the property or for length determined by Tables 1 and 2 above. Any offsite extension to connect with existing streets or roads shall be constructed to the same standards.
5. **Additional safety improvements.** When a development project is required to perform a Roadway Safety Analysis, as defined in Section B below, the analysis shall consider all the improvements required by Section A to be in place, and then shall determine whether additional improvements are warranted to mitigate potential safety impacts of the traffic generated by the proposed development.

B. Roadway Safety Analysis

1. **When required.** To limit the exposure of increasing the number of collisions on the road, all developments in rural areas which will attract general public traffic (e.g., wine tasting, ag tourism, events, etc.) shall be required to perform a Roadway Safety Analysis (RSA).
2. **Improvements to reduce expected collision rate.** The Department of Public Works shall provide the existing collision rate for the road. In cases where the collision rate is greater than one standard deviation above the average collision rate for rural roads, the RSA shall proceed with an analysis of potential road improvements which would reduce the expected collision rate to acceptable limits. The improvements may include, but are not limited to, the following:
 - Superelevation revisions on existing curves
 - Widening of shoulders at curves to create a roadside recovery area
 - Removal of roadside obstacles
 - Improvement of shoulder width (minimum two feet) for recovery area
 - Reduction of vertical curves to improve sight distance
 - Enhance existing access points to improve safety
 - Turn movement channelization
3. **Limits of analysis.** The RSA shall evaluate the following length of road shown in Table 3:

ATTACHMENT 7

Table 3. Roadway Safety Analysis requirements

Development regular ops. General public peak hour trips	Development event General public peak hour trips	Study/Improve this length of road
1-10	1-100	½ mile from entrance toward nearest intersection
11-20	101-200	1 mile from entrance toward nearest intersection
21-40	201-400	2 miles from entrance toward nearest intersection
41+	400+	3 miles from entrance toward nearest intersection

4. **Preparation requirements.** The analysis shall be performed by a Registered Civil Engineer or Registered Traffic Engineer, utilizing accident reduction factors as provided in Caltrans Local Programs Guidelines Manual, Chapter 9, "Hazard Elimination Systems," and models from Transportation Research Board Special Report 214 "Designing Safer Roads," which will quantify collision reduction based on curve and shoulder improvements.
5. **Coordination with project environmental determination.** The RSA shall be performed as part of the environmental determination for the proposed development project. Its recommendations shall then be incorporated into the Developer's Statement and conditions of approval for the project.

C. General Provisions

1. The determination of the necessary requirements to provide for the safety of the public using County roads will be based upon the maximum amount of general public traffic which will be generated by the proposed land use project. The Department of Public Works shall use the factors in Table 4 to estimate general public trip generation and determine what level of requirements in Tables 2 and 3 above shall apply.

For land development projects which include both regular operations and events, the amount of general public traffic generated by each shall be calculated by the Department of Public Works. The amount of traffic for regular operations and for events shall be considered separately. The amount of general public traffic (regular operations or events) which results in the greater improvement requirement in Tables 2 and 3 above shall determine the conditions for the project.

Table 4. General public trip generation factors

Type of land use	Trip generation factor
Single-family residential	Assume no <u>general public</u> trip generation
Farm support quarters	Assume no <u>general public</u> trip generation
Agricultural processing	Assume no <u>general public</u> trip generation
Retail, other visitor-serving areas	2.71 peak hour trips (pht) per 1,000 square feet
Events	0.4 pht per max. permitted attendance

Other land uses not shown in this table shall be estimated by Public Works staff based on information provided by the applicant and the Institute of Transportation Engineers Trip Generation Manual, most recent edition.

2. The requirements established by this Resolution shall apply to all street or road improvements constructed as a requirement of subdivision or land use permit applications which are deemed complete on or after the date of approval of this Resolution.
4. Nothing in this resolution shall be construed to preempt requirements of the California Environmental Quality Act or other applicable rules as adopted by appropriate authorities. Those other rules may require even greater mitigation measures which involve constructing greater levels of improvement.
3. This resolution supersedes ~~Page 199 of 358~~ Resolution 91-367.

ATTACHMENT 7

Upon motion of Supervisor Achadjian, seconded by Supervisor Gibson, and on the following roll call vote, to wit:

AYES: Supervisors Achadjian, Gibson, Ovitt, Lenthall, and Chairperson Patterson

NOES: None

ABSENT: None

ABSTAINING: None

The foregoing Resolution is hereby adopted.

JAMES R. PATTERSON
Chairperson of the Board of Supervisors

ATTEST:

JULIE L. RODEWALD
Clerk of the Board of Supervisors

[SEAL] By: SANDY CURRENS
Deputy Clerk

APPROVED AS TO FORM AND LEGAL EFFECT:

R. WYATT CASH
County Counsel

By: [Signature]
Deputy County Counsel

Dated: April 18, 2008

L:\Trans\May08\BOS\Road Improvements rsl.doc.rem.law

STATE OF CALIFORNIA) ss COUNTY OF SAN LUIS OBISPO)
I, JULIE L. RODEWALD, County Clerk of the above settled County, and Ex-Officio Clerk of the Board of Supervisors thereof, do hereby certify the foregoing to be a full, true and correct copy of an order entered in the minutes of said Board of Super-visors, and now remain- ing of record in my office.
Witness, my hand and seal of said Board of Super- visors this <u>may 15, 2008</u>
JULIE L. RODEWALD County Clerk and Ex-Officio Clerk of the Board of Supervisors
By <u>Sandy Currens</u> Deputy Clerk



SAN LUIS OBISPO COUNTY DEPARTMENT OF PUBLIC WORKS

Paavo Ogren, Director

County Government Center, Room 207 • San Luis Obispo CA 93408 • (805) 781-5252
Fax (805) 781-1229 email address: pwd@co.slo.ca.us

MEMORANDUM

Date: November 8, 2013
To: Holly Phipps, Project Planner
From: Frank Honeycutt, Development Services
Subject: **Public Works Comments on DRC2013-00028, Willow Creek MUP, Vineyard Drive, Templeton, APN 014-331-073**

Thank you for the opportunity to provide information on the proposed subject project. It has been reviewed by several divisions of Public Works, and this represents our consolidated response.

Public Works Comments:

- A. The proposed project may trigger road improvements per Resolution 2008-152. Events that attract the general public and generate between 101 and 200 PEAK hour trips, will trigger upgrading a ¼ mile of Vineyard Drive to current standard. An alternative will be to limit the event hours to non-peak times such as not on week days between 4 PM and 6 PM.
- B. The proposed project is requires a drainage plan to be prepared by a registered civil engineer and it will be reviewed at the time of Building Permit submittal by Public Works. The applicant should review Chapter 22.52 of the Land Use Ordinance prior to future submittal of development permits.

Recommended Project Conditions of Approval:

Access

1. **At the time of application for construction permits**, public improvement plans shall be prepared in compliance with the Land Use Ordinance and San Luis Obispo County Improvement Standards and Specifications by a Registered Civil Engineer and submitted to the Department of Public Works. The plan/s is/are to include, as applicable:
 - a. Street plan and profile for widening **Vineyard Drive** to complete an A-1g rural street section for a ¼ mile from the main entrance toward the nearest intersection.

2. **Prior to occupancy or final inspection**, the **Vineyard Drive** primary driveway approach shall be constructed in accordance with County Public Improvement Standard B-1e. The secondary access driveway is to be constructed to a B-1 Standard. All driveway approaches constructed on County roads shall require an encroachment permit.
3. **At the time of application for construction permits**, the applicant shall provide evidence to the Department of Planning and Building that onsite circulation and pavement structural sections have been designed and shall be constructed in conformance with Cal Fire standards and specifications back to the nearest public maintained roadway.
4. **Prior to occupancy or final inspection**, all public improvements have been constructed or reconstructed in accordance with County Public Improvement Standards and to the satisfaction of the County Public Works Inspector.
5. **On-going condition of approval (valid for the life of the project)**, and in accordance with County Code Section 13.08, no activities associated with this permit shall be allowed to occur within the public right-of-way including, but not limited to, project signage; tree planting; fences; etc without a valid Encroachment Permit issued by the Department of Public Works.

Drainage

6. **At the time of application for construction permits**, the applicant shall submit complete drainage plans for review and approval in accordance with Section 22.52.110 (Drainage) of the Land Use Ordinance.
7. **At the time of application for construction permits**, the applicant shall submit complete erosion and sedimentation control plan for review and approval in accordance with 22.52.120.
8. **On-going condition of approval (valid for the life of the project)**, the project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and / or Phase II storm water program and the County's Storm Water Pollution Control and Discharge Ordinance, Title 8, Section 8.68 et sec.

Recycling

9. **On-going condition of approval (valid for the life of the project)**, the applicants shall provide recycling opportunities to all facility users at all events in accordance with Ordinance 2008-3 of the San Luis Obispo County Integrated Waste Management Authority (mandatory recycling for residential, commercial and special events).

July 5, 2013

Andrew G. Wood
 Stratus Development Partners, LLC
 17 Corporate Plaza, Suite 200
 Newport Beach, CA 92660

Topic: Acoustical Analysis for the Pasolivo Events/Olive Oil Production Expansion

Dear Mr Wood:

We have completed the acoustic survey for an acoustical analysis in support of a temporary events permit for the Pasolivo Events/Olive Oil Production Expansion on Vineyard Drive. The analysis concludes that, with the recommended guidelines, sound from event activities will not exceed any of the county's standards.

The Project

The larger project involves construction of a new tasting room and additional olive processing facilities. This report addresses only the components of the project that involve the sponsorship of "events". The central focal point for such activities is a barn style building that will replace an existing barn. It may also be that in the future, events will also be held in the vicinity of the new tasting room.

The area outlined in blue in Figure 1, delineates the Pasolivo property. Figure 2 shows an enlargement

of the portion of the property proposed for events. Future structures are shown in tan. The events barn is at the location of a present barn but is oriented on a different alignment. Events will be held within the barn and may extend to outdoor terraces at either side.

Events are not presently proposed at the location of the new tasting room but this report includes a consideration of noise management concerns should this be used for events in the future.



Figure 1: Property Outline



Figure 2: Tasting Room and Event Barn

The Acoustic Setting

The old barn, tasting room and production facilities sit in a small valley at the side of Vineyard Drive. The low lying areas are dotted with large oak trees as are the north facing sides of the surrounding hills. Scant traffic on Vineyard Drive is the only regular noise source. The buildings are set back from the road which forms the site's west property boundary. The events area is located in the southwest corner of the Pasolivo property. Because of the distance from the events area to the northern and eastern property lines, there is no likelihood that noise limits will be exceeded. The most significant noise management concerns are at the southern property boundary.

Sound level readings were taken at the project site on July 3, 2013, starting at 3 PM. The red dot on Figure 1 shows the location of the equipment. There was a light breeze from the south but not at levels that would significantly affect measurements. A Brüel & Kjær Precision Integrating Sound Level Meter, Type 2230 was used in making the measurements. The meter was calibrated before and after the survey using a B&K Acoustic Calibrator Model 4231. The readings were determined to be accurate¹.

The ambient noise levels at the site were around 33 decibels with the level rising by a few decibels when a vehicle goes by on Vineyard Drive. This is a low ambient sound level, typical for rural areas.

The County's Regulatory Structure

"Temporary Special Events" are governed by Section 22.10.210 of the County's Land Use Ordinance. The section does not include explicit standards limiting the noise produced during events that are not winery sponsored events. This means that noise from non winery events is governed by the County's general standards for noise production.

The County's general standards limiting noise that can be produced by projects are expressed in both an hourly energy average (Leq) and a not-to-be-exceeded peak level (Lmax)². The daytime and nighttime standards for exterior noise are shown in Table 1. The first numeric value is the standard and the second, to the right of the slash mark, is the level permitted for sounds consisting primarily of speech or music. Sound levels are to be measured at the property line of noise impacted neighbors.

Table 1: Exterior Noise Standards

	Daytime (7 a.m. to 10 p.m.)	Nighttime (10 p.m. to 7 a.m.)
Maximum level, decibels	70/65	65/60
Hourly Leq, decibels	50/45	45/40

¹ Both the Sound Level and the Calibrator were themselves laboratory calibrated in September of 2011.

² Appendix A provides a reference to acoustic terminology.

The “Performance”

The site plan shown in Figure 3 shows the position of the future events barn and the new tasting room. The letters show the possible event settings that are discussed in this report.

To determine if sound from activities at the events sites would meet County standards, a test was conducted where a “performance” was simulated using recorded sounds. A high performance speaker was mounted on a stand at a location approximating the location of the terrace that will be constructed on the southwest side of the new barn structure (location “B”). The speaker was oriented toward the south, toward the closest neighboring property which is 135 feet away. Apart from the trunks of some oak trees, there is nothing blocking the line of site toward the south property line. The test sound was a loop of a performance by Smashing Pumpkins with a musical style the leader describes as “Goth Rock”. It has plenty of bass as well as strident electronic tones.

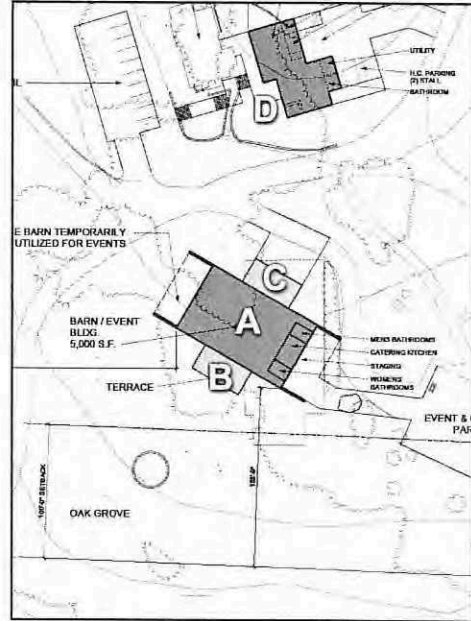


Figure 3: Possible Event Locations

Several tests were made. In order to evaluate distance attenuation at the location, sounds were evaluated at 50 and 135 feet from the speaker source. At 50 feet the level was in the range of 73 to 75 decibels measured by Leq, the acoustic energy average. At this distance, the peak levels were at 78 decibels. At 135 feet, which corresponds to the position of the closest property, the averages were around 57 Leq with peaks at 60 decibels Lmax.

Analysis

Any analysis of impact first requires an estimation of the sound levels associated with the individual events. We have made measurements of noise levels produced during outdoor events held in San Luis Obispo County and will use these numbers in evaluating proposed activities. Table 2 shows values for two types of events involving amplified music. The values in the table have been normalized to a 50 foot source-to-listener distance.

Table 2: Sound from Outdoor Events

		Lmax	Leq
Event 1	Amplified Music DJ outdoors	74-80	73-76
Event 2	Amplified Live Band (inside tent)	76	64-67

At the DJ event with amplified music, the sound level was in the 73-78 decibel range at 50 feet. This is similar to the level set in the test “performance”. With sound amplified to such a level it is necessary for a person within 50 feet of the source to raise their voice to be understood by someone next to them. While sound levels set to the level used in the test performance might be the norm, some DJs and musical groups may elect to exceed these amplification levels.

The general rule is that sound drops by 6 decibels with a doubling of distance. The measured attenuation during the test “performance” was greater than this; around 12 decibels. Ground cover and shielding would play a role in reducing the sound that would be heard coming from an event on the terrace. Also, the measurement site was within an oak grove and the ground was leaf covered. The underlying surface had been tilled so there was considerable ground absorption. The elevation falls off toward the property line so, while the speaker was visible from the measurement position, the line of site was close to ground level, which would also increase surface absorption. In this study we will assume the more conservative 6 decibel, distance doubling effect, noting that the actual attenuation effect might be greater in this physical setting.

At the levels used in the test situation the maximum sound level measured at the property line was 60 decibels and does not exceed the County’s daytime standard of 65 Lmax; the maximum level for amplified music. The Leq, the energy average, at the property line was 57 decibels. This is 12 decibels in excess of the County’s 45 decibel Leq standard. After 10 PM, the measured sound level meets the County’s Lmax standard but is 17 decibels over the Leq limit.

Table 2 shows the sound level calculations for each of the possible event sites assuming the event volume levels used in the test and applying the attenuation rate of six decibels with each distance doubling. The subtractions in the table show the original estimate and the lessening that would be expected through enclosing or blocking the sound source.

Table 2: Estimated Sound Levels at Event Sites

Source Location	Distance to property line	Day/Night Lmax Standard	Day/Night Leq Standard	Predicted Lmax	Predicted Leq
A. Barn interior, doors closed	160	65/60	45/40	68-25=43	64-25=39
A. Barn interior: doors open	160	65/60	45/40	68-15=53	64-15=49
B. South Terrace	135	65/60	45/40	69	65
C. North Terrace	205	65/60	45/40	66-14=52	62-14=48
D. Tasting Room Area	340	65/60	45/40	61	57

The areas tinted in green are locations where sound levels meet the County’s standards with no special mitigations. Other locations can meet the standards with mitigations described below.

Events within the New Barn, Doors Closed

New construction typically has a outdoor to indoor noise reduction on the order of 25 decibels. With the doors closed, events within the barn meet county standards for both day and night.

Events within the New Barn, Doors Open

With the barn doors opened to the north and south the indoor to outdoor sound reduction is reduced by around 15 decibels. The estimated Lmax level is 53 decibels and the Leq level is 49 decibels. This reduction meets the County's standard for the maximum level (65 decibels day and 60 decibels night). But the predicted Leq of 49 exceeds the County's standard of 45 decibels day and 40 night. It would be possible to mitigate this to meet standards if the doors to the south terrace remain closed and only north facing doors are opened. While sound projected to the north would increase when doors are opened in this direction the bulk of the barn structure would reduce noise experienced at the south property line to levels that meet standards.

Events on the South Side Terrace

Events on the south terrace with amplified music are unlikely to meet County standards. The potential problem could be diminished on an order of 5 to 7 decibels if speakers are pointed away from the south property line. The daytime Lmax standard could be achieved but not the County's Leq limit.

Events on the North Side Terrace

Events on the north terrace would meet the County's day and night standards for maximum noise levels. At a Leq forecast level of 48, an event would be 3 decibels above the daytime standard and eight decibels above the night standard. A three decibel reduction of levels could be achieved in several ways. The permitted source amplification could be reduced by this magnitude and still produce sufficient sound for events that don't involve rock performance levels of amplification. Also, there is a dense line of shrubs along the wall of the existing barn and, if some of this is regained as landscaping it could provide the needed reduction. The sound system on the terrace should have the speakers located low and tight against the building façade, directed away from the building. This would maximize the building's shielding effect and the directionality of the speakers would further reduce sound levels at the nearest property line. It is also likely the location would benefit by the same additional distance attenuation factors that lowered the property line sound levels in our test "performance".

Events Held at the New Tasting Room

Events held near the new tasting room would meet the County's daytime standard for maximum levels but are 12 decibels above the Leq standard (57 Leq predicted with 45 Leq permitted). As with events on the north terrace, the sound at the closest property line

could be reduced by orienting speakers to the north, limiting performance levels and/or siting events in location sheltered by the tasting room structure.

Conclusions and Recommendations

Events enclosed within the new barn structure will not exceed County standards. This does not pose potential problems. Daytime events can also expand onto the north terrace with the addition of mitigation actions described above. Daytime events near the new tasting room are possible, but require application of some combination of the mitigation actions enumerated above. Events on the south terrace pose the most significant issues. The terrace is appropriate for events that don't involve amplified voice or music. But there are also potential problems if there are doors opening to events being held within the barn structure.

A permit condition saying that outdoor amplified music cannot exceed Lmax levels of 78 decibels, measured fifty feet from the source, would insure that events do not exceed the County's standards for either Lmax or Leq at the closest neighboring property line. Sound at this level would provide a good listener experience at events. This condition should be made part of any rental agreement for groups making use of the event site. The Pasolivo events manager should have a simple sound level meter to verify the standards.

The project's neighbors should be provided with a phone number for reporting problems to Epoch Winery management. An on-site manager should be present to correct problem conditions and there should be a reporting procedure to record problems.

CEQA Concerns

The CEQA Guidelines include several questions related to the noise impact of projects. The following paragraphs address each of these issues. In all cases the impacts will be less than significant.

- 1) As conditioned, the project will not result in significant exposure of persons to or generation of noise levels in excess of standards established in the county's general plan, noise ordinance, or land use ordinance. Exposure levels are below limits suggested by state and federal agencies.
- 2) A second CEQA concern involves ground born vibrations. Events will not produce vibrations that would be detectable beyond the property.
- 3) The project will not create a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project.
- 4) The fourth CEQA concern is for construction activities. Construction would create a temporary increase in ambient noise levels in the project vicinity above levels existing without the project. However the County Land Use Ordinance permits the noise from construction activities as long as it is limited to the hours of 7 AM to 9 PM weekdays and

8 AM to 5 PM weekends. With this condition met, the project had a less than significant noise impact.

The other noise related questions in the checklist relate to projects in the vicinity of airports. They do not relate to the Pasolivo events proposal.

Summary

Based on the studies we have conducted and a review of the County's general noise regulations we conclude that with recommended mitigations and approval conditions, will be consistent with County standards.

Sincerely,

A handwritten signature in black ink, appearing to read 'David Dubbink', with a long horizontal stroke extending to the right.

David Dubbink, Ph.D., AICP

Appendix of Technical Information

Measurement Equipment

ANSI guidelines for noise reporting include a requirement that information be given on model serial numbers and recency of factory calibration.

A Brüel & Kjær Precision Integrating Sound Level Meter, Type 2230 was used for the site measurements (SN 1033493). The meter was calibrated before and after the survey using a B&K Acoustic Calibrator Model 4231 (SN 2052124). Both the noise meter and the calibrator were themselves calibrated in September of 2010.

Why and when to calibrate

Why calibrate?

Regular calibration provides you with:

- Knowledge and evidence of how your instrument measures – now and over time
- Reliability – the confidence that you know your instrument works correctly

According to the International Laboratory Accreditation Cooperation (ILAC), the purpose of calibration is:

- To know the uncertainty that can be achieved with the measuring instrument
- To confirm whether or not there has been any alteration of the measuring instrument that could create doubt about the results
- To improve the estimation of the deviation between a reference value and the value obtained using a measurement instrument, as well as the uncertainty in this deviation, at the time the instrument is actually used

When to start calibration

We recommend calibrating your instrument prior to use. The easiest way is to order initial calibration with every new instrument.

In this way you begin a measurement history from day one, which can be required by your customers or quality procedures.

How often?

How often you calibrate your instrument is a balance between risk and cost. The shorter the period between calibrations, the lower the risk of questionable measurements. We consequently recommend annual calibration for electrical instruments.

Equipment used on a daily basis will have a shorter calibration cycle than equipment used, for example, once a month. However, you should take into consideration:

Cost:

- The cost of necessary correction measures if you discover that the instrument has not been reliable over a long period of time

Instrument:

- The required uncertainty in measurements
- Extent and severity of use
- Trend data obtained from previous calibration records and tendency to wear and drift*

Environmental conditions, transportation and personnel:

- Climatic conditions, vibration, ionizing radiation, etc.
- Transportation arrangement
- Degree to which the personnel are trained

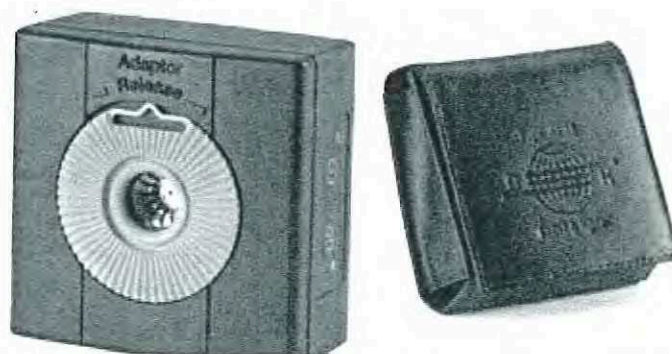
As an instrument's age and equipment undergoes changes in temperature or mechanical stress, critical performance gradually degrades. This is called 'drift'. When this happens, test results become unreliable and both design and production quality suffer. While drift cannot be eliminated, it can be detected and contained through the process of calibration.

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BEYOND MEASURE

Sound Calibrator Type 4231



A handy, portable sound source for calibration of sound level meters and other sound measurement equipment. The calibrator is very robust and stable, and conforms to EN/IEC 60942 Class LS and Class 1, and ANSI S1.40-1984.

For maximum confidence in your measurement results you can quickly compensate for local measurement conditions by calibrating before every measurement. Twin sound pressure levels guarantee definitive checks even in noisy environments, and ensure linearity in your microphones.

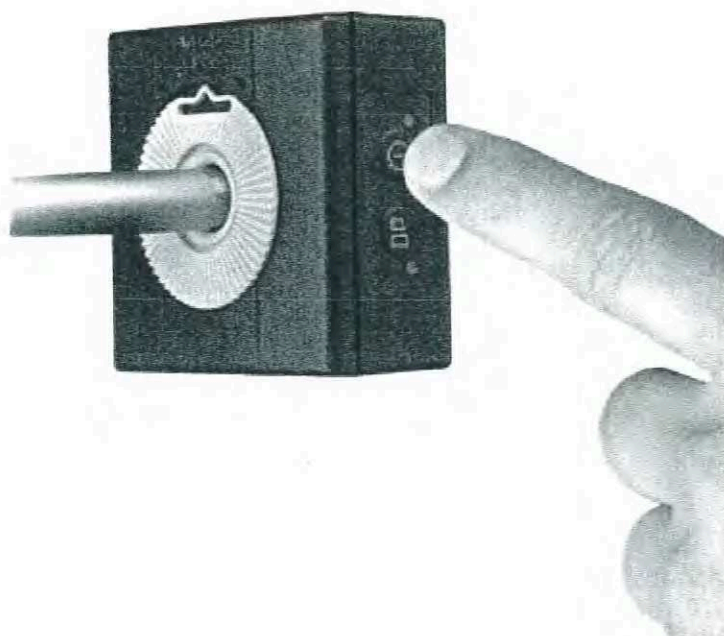
Uses

- Calibration of sound level meters and other sound measurement equipment

Features

- Conforms to EN/IEC 60942 (2003) Class LS and Class 1, and ANSI S1.40 – 1984
- Robust, pocket-sized design with highly stable level and frequency
- Calibration accuracy ± 0.2 dB
- 94 dB SPL, or 114 dB SPL for calibration in noisy environments
- Extremely small influence of static pressure and temperature
- Sound pressure independent of microphone equivalent volume
- 1 kHz calibration frequency for correct calibration level independent of weighting networks
- Fits Brüel & Kjær 1" and 1/2" microphones (1/4" and 1/8" microphones with adaptor)
- Switches off automatically when removed from the microphone

ATTACHMENT 7



Quick and easy

In five seconds you can have a definitive calibration check. There are few options – simply click a microphone into place, press the button and it is done.

There is no need to remove the protective leather case to use it, and you don't have to spend time ensuring the fit is exact. Because of the 1000 kHz calibration frequency, there is no need to use filters for different weighting networks.

Pocket-sized

This compact unit gives you a battery-operated sound source wherever you need it.



One calibrator for all microphones

It can be used with various microphones as adaptors easily click into place. It also automatically adjusts to give the same sound pressure level for each different type of microphone you use, ensuring easy operation.

Built for years to come

Tough plastic encases the all-electronic components, which guarantee that long-term stability is not affected by external influences like barometric pressure.

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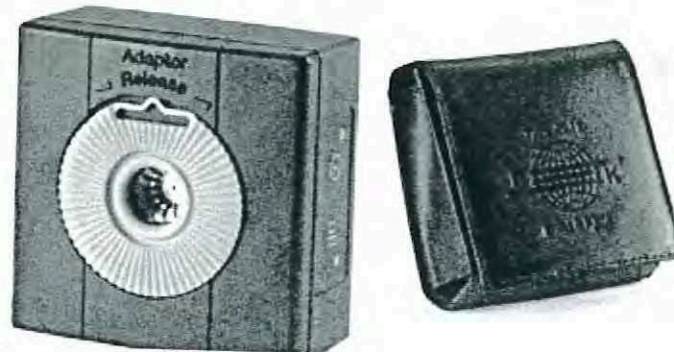
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**Calibration is what we do**

Our dedicated calibration centres around the world directly trace their own calibration to all relevant national standards. As standards often change, we always follow them closely – in fact we have a long history of helping to create them.

Sound Calibrator Type 4231



Sound Calibrator Type 4231

Sound Calibrator Type 4231 is a pocket-sized, battery operated sound source for quick and direct calibration of sound level meters and other sound measuring systems. It fits Brüel & Kjær 1" microphones and using the removable adaptor, 1/2" microphones. With optional adaptors, it can be used for 1/4" and 1/8" microphones as well.

The calibration frequency is 1000 Hz (the reference frequency for the standardised international weighting networks), so the same calibration value is obtained for all weighting networks (A, B, C, D and Linear). The calibration pressure of 94 ± 0.2 dB re 20 mPa is equal to 1 Pa or 1 N/m². The + 20 dB level step gives 114 dB SPL, which is convenient for calibration in noisy environments, or for checking linearity.

The design of Type 4231 is based on a feed-back arrangement to ensure a highly stable sound pressure level and ease of use. The feed-back loop uses a condenser microphone (see Fig. 1), which is specially developed for this purpose.

This microphone is optimised to have extremely high stability and independence of variations in static pressure and temperature around the 1 kHz calibration frequency. The result of this is a user-friendly calibrator where exact fitting of the microphone is non critical and the effects of changes in temperature and static pressure are negligible.

The calibrator gives a continuous sound pressure level when fitted on a microphone (see Fig. 2) and activated.

The sensitivity of the sound measuring equipment can then be adjusted until it indicates the correct sound pressure level.

The calibrator is automatically switched off when removed from the microphone.

A leather protecting case, which does not need to be removed to use the calibrator, is supplied.

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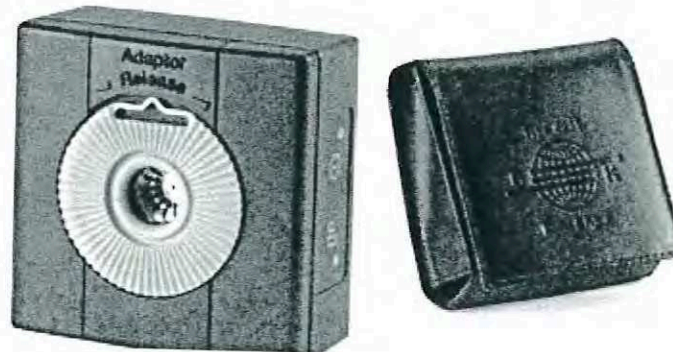
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Sound Calibrator Type 4231



Service Options

4231 Accredited Calibration of Sound Calibrator, 1 kHz, 94 dB & 114 dB, IEC60942:2003 Annex B Class 1	-4231--CAF-
4231 Accredited Initial Calibration of Sound Calibrator, 1 kHz, 94 dB & 114 dB, IEC60942:2003 Annex B Class 1	-4231--CAI-
Traceable Calibration	-4231--CTF-
Conformance Test with measurements report - Only performed in FR/JP	-4231--CVN-
4231 Sound Level Calibrator, 1 kHz, 94 dB & 114 dB, Class 1 BS7189. Extended Warranty, one year extension	-4231--EW1-
Conformance Test with Certificate	-4231--TCF-
Sound level calibrator, 1 kHz, 94 dB & 114 dB, class 1 bs7189, Accredited Calibration for Würth Norway	-4231-W-CAF-

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ACCEPT COOKIES



BEYOND MEASURE

Calibration of calibrators

For sound calibrators, pistonphones and vibration calibrators, Brüel & Kjær can provide accredited calibration, traceable calibration, verification for selected countries and instrument verification.

Accredited calibration

On a calibrator or pistonphone it's important that you have accredited calibration and that the instrument is calibrated regularly. The usual recommendation is for annual calibration.

Brüel & Kjær can provide these types of accreditation for Brüel & Kjær calibrators:

- DANAK (English certificate)
- A2LA (English certificate)
- DKD (German certificate)
- ENAC (Spanish certificate)
- NATA (English certificate)
- Inmetro, Brazil (Portuguese certificate)

Initial calibration

To start your calibration history from day one, we recommend that you order accredited calibration together with your new calibrator or pistonphone.

Regular re-calibration

The shorter the period between calibrations, the lower the risk of measurements being questioned. Since calibrators and pistonphones are used to measure other instruments, it's important to calibrate them regularly. Brüel & Kjær recommends annual calibration.

Measurements

- Measurements of sound calibrators and pistonphones are performed according to the standard IEC 60942
- The sound calibrators are measured at specified frequencies
- Pistonphones are measured at 250 Hz
- Vibration calibrators are measured at 159.2 Hz. Vibration level, frequency and distortion are measured

Measurements are traceable to institutions such as DPLA, NIST, NPL and PTB.

Certificate

With the accredited certificate you get:

- Proof that calibration has been performed according to the quality requirements in ISO 17025
- Measured uncertainty
- Internationally accepted certificate
- Calibration conditions: air temperature, air pressure and relative humidity
- The logo of the accreditation body

Traceable calibration

Measurements

- Measurements of sound calibrators and pistonphones are conducted according to the standard IEC 60942
- Sound calibrators are measured at specified frequencies
- Pistonphones are measured at 250 Hz
- Vibration calibrators are measured at 159.2 Hz. Vibration level, frequency and distortion are measured

Certificate

Includes measurement results.

Legal verification

Brüel & Kjær can provide legal verification for:

- Customers in Spain: Primitiva
- Customers in Austria: Eichung

Please be aware that legal verification does not contain measurement results.

Verification/conformance testing

Brüel & Kjær can provide instrument verification:

- A conformance test certifies that the instrument has been tested, has passed all production tests, and complies with the manufacturer's published specifications
- You will receive a [Certificate of Conformance](#)

Please be aware that instrument verification does not contain measurement results.

Ordering information

Initial calibration: Please order with your new instrument

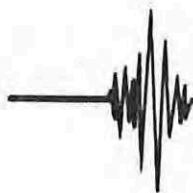
Re-calibration: Please fill in the [service request form](#) before you ship your instrument

Legal verification, Primitiva: Please order with your new instrument

Legal verification, Eichung (Austria): Please order with your new instrument. For re-calibration please fill in the [service request form](#) before you ship your instrument.

Instrument-specific verification: Please order conformance test

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March 11, 2015
Project No. 47-020

Jonathan Wittwer, Esq.
Wittwer Parkin, LP
147 South River Street
Suite 221
Santa Cruz, CA 95060

Subject: Peer Review of the Acoustical Analysis for the Pasolivo Events/Olive Oil
Production Expansion, Vineyard Drive, San Luis Obispo County, by
David Dubbink Associates

Dear Mr. Wittwer:

This report is a peer review of the acoustical analysis for the Pasolivo Events and Olive Oil Production Expansion along Vineyard Drive in San Luis Obispo County prepared by Dr. David Dubbink of David Dubbink Associates. The purpose of the acoustical analysis (noise study) was to determine the noise impacts to adjacent and nearby noise sensitive land uses from events at the remodeled facility. A main concern not addressed in the noise study are the noise impacts to the Webster residence located at 8787 Vineyard Drive, which is just north of the subject project site.

For the sake of brevity, text of the noise study on which we are commenting will not be reiterated. Our comments are made in general order in which they appear in the noise study.

Page 1:

Acoustical consultants are not supposed to support the project on which they are working. The ethical standards of the consulting community require completely unbiased analyses.

It would be helpful if the maps were shown larger. It is difficult to see detail at such a small scale.

A list of the types of events should be provided, what time of day they would occur, what, if any, limitations are placed on entertainers or other noise generating sources, how many activities would occur weekly, monthly or annually.

Page 2:

Descriptions of the surrounding properties should be provided as they are mostly residential or agricultural lands with residences. Either way, the surrounding properties, especially to the south, west and north are noise sensitive.

If traffic on Vineyard Drive is “scant”, will the project generate significant increases in traffic volume in relation to the existing volume? Has a traffic impact analysis been prepared? Project traffic could cause a significant impact in relation to CEQA guidelines.

The assertion that there is no likelihood of noise excesses at the north or east property lines due to the distance is not valid. No data are presented to back up this claim. The residence to the west of the site across Vineyard Drive is not mentioned. Because of the close proximity of the western boundary to the noise source locations, an evaluation for the western boundary is warranted.

The red dot on Figure 1 is not visible.

The ambient sound levels should be made during the entire period of when noise generating events could occur. Even with rural areas with low background noise environments, the ambient levels will change. The ambient sound levels should be better quantified at receptor properties or at least at the Pasolivo property lines, whichever best represents the existing conditions in relation to the County noise standards and CEQA.

There is no Section 22.10.210 of the County Land Use Ordinance. Is this supposed to be 22.10.120?

Section 22.10.120 of the County Land Use Ordinance would be applicable to the project as it limits noise from stationary sources. Noise limits are imposed on stationary noise sources, such as music and machinery. The noise limits of the County Code are the same as the noise limits of the Noise Element of the General Plan, which are shown on Table I of the noise study. A copy of this section of the Code is attached to this report.

Section 22.30.070 – Agricultural Processing Uses contain limitations for special events at wineries but not at olive oil processing facilities. Because of the similarities of the events planned for the olive oil production facility to those of a winery, the County may elect to apply the winery special event limitations to the olive oil production facility. The special event limitations state:

“Special events are limited to 40 days a year. Any special event proposing outdoor amplified music shall only be allowed from 10:00 a.m. to 5:00 p.m. No outside amplified sound shall occur before 10 a.m. or after 5 p.m. The standard relating to amplified music may only be waived or modified where a finding can be made by the Review Authority that the noise at the property line will not exceed 65 dB.”

We are assuming that this statement means 65 dBA L_{max} to fall in line with the General Plan and Ordinance Section 22.10.120.

Page 3:

The description of the performance set up is vague. A detailed description should be provided, such as the number of speakers, their size and make and amplification power ratings. Although Smashing Pumpkins would sometimes be played at a wedding (probably more by request than as a “standard” – and is not really “Goth Rock”), there are other choices of program material that better represent the louder portion of a wedding reception or large party. In addition, there should be some discussion regarding live music, particularly drums, brass instruments and vocals. Drums are not as directional as other instruments (the sound spreads out in many directions) and brass instruments, especially trumpets, are very directional. The sound levels of drums, trumpets and vocals tend to carry more over large distances. Electric guitar sound also tends to carry more. Our experience with outdoor music and wedding receptions is that the highest sound levels are created by the DJ/MC, band leader/vocalist or attendees shouting or screaming into the microphone. Vocal inflections can vary by 20-30 dB. A boisterous DJ or MC can generate high vocal sound levels during wedding events such as announcing the bridal party and the garter and bouquet tosses. These sources are realistic and should be accounted for.

For each DJ or band set up, sound measurements should have been made at the property boundaries in each direction along with the close up measurements.

The reference sound levels in Table 2 appear to be low and seem to represent more of a “background” music level rather than entertainment/dance music levels. Actual L_{eq} ’s of dance music during a wedding reception are in the 78-80 dBA range at 50 ft. from the front of the stage/speakers. Maximum sound levels have been measured consistently up to 92 dBA at 50 ft. Sound levels over 100 dBA have also been recorded on rare occasion.

Page 4:

The 6 dB per doubling of the distance factor is a good conservative approach. However, due to the topography of the area, distances to the receptors and the proximity to the Pacific Ocean, atmospheric effects need to be taken into consideration. Temperature inversions, prevailing winds and shielding and reflections from hillsides can greatly affect the standard sound attenuation rate.

In the 3rd paragraph on page 4 it is not clear which test scenario is being described. A 3 dB difference between a maximum level and an L_{eq} is too small to represent realistic music playing whether recorded or live.

“Peak” sound level has a specific technical definition and is not the maximum level, described as “ L_{max} ”. L_{pk} is typically used to describe the peak level (the peak or crest of a waveform) and it should never be used in environmental acoustics.

Table 2 (the second Table 2 – this should be changed to Table 3) on page 4 should report the measured/predicted sound levels at all of the noise sensitive property lines in the area taking into account topography, atmospheric effects and various source styles (DJ, band) for each set up scenario, but without mitigation included. Then the evaluation against the County standards and CEQA should be made so that the reader can get a grasp on the noise environments under planned conditions. For areas of noise excesses, specific noise mitigation measures must be presented.

Indoor to outdoor sound reduction varies greatly, depending on the acoustic environment of the space, the angle of view from the outdoor receptor location to the indoor source and the distance to the receptor. A de facto -15 dB noise reduction is an oversimplification.

Events on the South Terrace would result in non-compliance with the standards and significant noise impacts. Without demonstrating precise mitigation measures and quantifying the results that show a less than significant impact, an EIR may be required.

Events on the North Terrace would exceed the daytime and nighttime standards. Mitigation for the 3 dB daytime excess is proposed, but there is no mention of mitigation for the nighttime excess. Will events be limited to daytime only?

Reducing the source levels (playing softer) may be difficult as the reported sound levels are already on the low side. A sound level limit should be determined and specified with a requirement for periodic on-site monitoring. Shrubbery will not effectively reduce sound transmission.

Utilizing speaker direction, placement and building shielding are the most feasible methods to reduce noise in this type of environment. The limitations on outdoor music specified for wineries in Section 22.30.070 are also good methods to reduce noise annoyance.

Events at the New Tasting Room would also cause noise excesses. The analysis of this scenario needs to be presented in greater detail and specific mitigation measures developed.

Conclusions and Recommendations:

The west property line has not been addressed. The noise levels at the neighboring properties need to be addressed.

The CEQA thresholds are based on the ambient conditions at the receptor locations. Given that the ambient noise levels are low, as stated previously, compliance with CEQA may be more restrictive than complying with the County Noise Element/Code standards. The limits suggested by state and federal agencies are not provided in the noise study. Actually, there are no federal limits as CEQA is applicable only to California. The noise increase limits are determined by the local agency.

The 4th CEQA concern is not just for construction. It is for any temporary or periodic noise source. CEQA does not mention construction.

In terms of the noise impacts to the Webster residence, there is potential for noise excess at their property boundary. The Webster property is approximately 2,600 ft. from the Event Barn. At an attenuation rate of 6 dB per doubling of the distance, the noise reduction from 50 ft. to 2,600 ft. is 34 dB. However, there is a series of parallel hillsides on each side of Vineyard Drive between the Event Barn and the Webster property. Sound reflections between these hillsides reduce the attenuation rate resulting in the sound levels at the Webster property up to 6 dB higher than what would be expected over flat terrain. Because of the distance between the source and this receptor and that breezes during summer afternoons/evenings can blow from south to north, as they did on the test day, wind and temperature inversions can also increase the sound levels at the Webster property by up to an additional 6 dB. Note that temperature inversions can increase sound levels by up to 20 dB in some cases. This would be rare and our extensive testing of outdoor music on the inland side of the coastal ranges indicates a typical increase of 4-6 dB.

For example, a maximum sound level of 100 dBA (loud voice into the microphone) at 50 ft. would reduce to 66 dBA at 2,600 ft. Then, topography and the atmosphere could increase that level by up to 12 dB, up to 78 dBA at the Webster property. To comply with the 65 dBA L_{\max} limit, maximum sound levels would need to stay below 87 dBA at 50 ft.

- 7 -

Likewise, to comply with the daytime L_{eq} limit of 45 dBA at the Webster property, the L_{eq} at 50 ft. would need to stay below 67 dBA. The reference outdoor DJ was measured to be 73-76 dBA $L_{eq(h)}$ at 50 ft. Therefore, there is a strong possibility that noise excesses could occur at the Webster property.

In conclusion, the noise study should be more comprehensive to adequately represent realistic noise impacts to the surrounding neighbors under various scenarios. The analysis of noise increases over the ambient noise environment, per the requirements of CEQA, needs to be quantified for each of the receptors in the area. Noise mitigation measures, where necessary, should be designed in detail for each scenario and recommended in the noise study along with a mitigation monitoring program.

If you have any questions or would like additional information, please call me.

Sincerely,

EDWARD L. PACK ASSOC., INC.

A handwritten signature in dark ink, appearing to read "Jeffrey K. Pack", is written over a horizontal line.

Jeffrey K. Pack
President

Attachment: San Luis Obispo County Code, Title 22, Land Use Ordinance, Section 22.10.120

22.10.120 - Noise Standards

This Section establishes standards for acceptable exterior and interior noise levels and describe how noise shall be measured. These standards are intended to protect persons from excessive noise levels, which are detrimental to the public, health, welfare and safety and contrary to the public interest because they can: interfere with sleep, communication, relaxation and full enjoyment of one's property; contribute to hearing impairment and a wide range of adverse physiological stress conditions; and adversely affect the value of real property.

A. Exceptions to noise standards. The standards of this Section are not applicable to noise from the following sources.

1. Activities conducted in public parks, public playgrounds and public or private school grounds, including but not limited to school athletic and school entertainment events;
2. The use of any mechanical device, apparatus or equipment related to or connected with emergency activities or emergency work to protect life or property;
3. Safety signals, warning devices, and emergency pressure relief valves;
4. Noise sources associated with construction, provided such activities do not take place before 7 a.m. or after 9 p.m. on any day except Saturday or Sunday, or before 8 a.m. or after 5 p.m. on Saturday or Sunday;
5. Noise sources associated with the maintenance of a residential use as listed in Section 22.06.030 (Allowable Land Uses and Permit Requirements), provided that the activities take place between the hours of 7 a.m. and 9 p.m.;
6. Noise sources associated with agricultural land uses as listed in Section 22.06.030 (Allowable Land Uses and Permit Requirements), including but not limited to wind machines used for direct climate control, water well pumps and pest-repelling devices, provided that the pest-repelling devices are used in accordance with accepted standards and practices.
7. Noise sources associated with work performed by private or public utilities in the maintenance or modification of its facilities;
8. Noise sources associated with the collection of waste or garbage from property devoted to other than residential uses listed in Section 22.06.030 (Allowable Land Uses and Permit Requirements).
9. Traffic on public roadways, railroad line operations, aircraft in flight, and any other activity to the extent regulation thereof has been preempted by state or federal law.

SAN LUIS OBISPO COUNTY CODE - TITLE 22, LAND USE ORDINANCE

General Property Development and Operating Standards

22.10.120

B. Exterior noise level standards. The exterior noise level standards of this Section are applicable when a land use affected by noise is one of the following noise-sensitive uses: residential uses listed in Section 22.06.030 (Allowable Land Uses and Permit Requirements), except for residential accessory uses and temporary dwellings; health care services (hospitals and similar establishments only); hotels and motels; bed and breakfast facilities; schools (pre-school to secondary, college and university, specialized education and training); churches; libraries and museums; public assembly and entertainment; offices, and outdoor sports and recreation.

1. No person shall create any noise or allow the creation of any noise at any location within the unincorporated areas of the county on property owned, leased, occupied or otherwise controlled by the person which causes the exterior noise level when measured at any of the preceding noise-sensitive land uses situated in either the incorporated or unincorporated areas to exceed the noise level standards in the following table. When the receiving noise-sensitive land use is outdoor sports and recreation, the following noise level standards shall be increased by 10 dB.

Maximum Allowed Exterior Noise Level Standards		
Sound levels	Daytime 7 a.m. to 10 p.m.	Nighttime (1) 10 p.m. to 7 a.m.
Hourly Equivalent Sound Level (L_{eq} , dB)	50	45
Maximum level, dB	70	65

Notes:

1. Applies only to uses that operate or are occupied during nighttime hours
2. In the event the measured ambient noise level exceeds the applicable exterior noise level standard in Subsection B.1, the applicable standard shall be adjusted so as to equal the ambient noise level plus one dB.
3. Each of the exterior noise level standards specified in Subsection B.1 shall be reduced by five dB for simple tone noises, noises consisting primarily of speech or music, or for recurring impulsive noises.
4. If the intruding noise source is continuous and cannot reasonably be discontinued or stopped for a time period whereby the ambient noise level can be measured, the noise level measured while the source is in operation shall be compared directly to the exterior noise level standards.

C. Interior noise level standards. The interior noise level standards of this Section are applicable when the land use which is the source of noise and the land use which is affected by noise are both residential uses as listed in Section 22.06.030 (Allowable Land Uses and Permit Requirements), except for residential accessory uses and temporary dwellings.

1. No person shall operate or cause to be operated a source of noise within a residential use in any location in the unincorporated areas of the county or allow the creation of any noise which causes the noise level when measured inside a residential use located in either the incorporated or unincorporated area to exceed the interior noise level standards in the following table.

Maximum Allowed Interior Noise Levels		
Sound Levels	Daytime 7 a.m. to 10 p.m.	Nighttime 10 p.m. to 7 a.m.
Hourly Equivalent Sound Level (L_{eq} dB)	40	35
Maximum level, dB	60	55

2. In the event the measured ambient noise level exceeds the applicable interior noise level standard in Subsection C.1, the applicable standard shall be adjusted so as to equal the ambient noise level plus one dB.
 3. Each of the interior noise level standards specified in Subsection C.1 shall be reduced by five dB for simple tone noises, noises consisting primarily of speech or music, or for recurring impulsive noises.
 4. If the intruding noise source is continuous and cannot reasonably be discontinued or stopped for a time period whereby the ambient noise level can be measured, the noise level measured while the source is in operation shall be compared directly to the interior noise level standards.
- D. Other noise sources.** The noise level standards in this Section apply to the following.
1. **Air conditioning and refrigeration.** Notwithstanding the provisions of Subsection B.1, when the intruding noise source is an air conditioning or refrigeration system or associated equipment installed prior to June 4, 1992, the exterior noise level as measured as provided in Subsection E. shall not exceed 55 dB, except where the equipment is exempt from the provisions of this Chapter. The exterior noise level shall not exceed 50 dB for equipment installed or in use after June 4, 1993.

SAN LUIS OBISPO COUNTY CODE - TITLE 22, LAND USE ORDINANCE

General Property Development and Operating Standards

22.10.120

2. **Waste and garbage collection equipment.** Notwithstanding the provisions of Subsection B.1, noise sources associated with the collection of waste or garbage from a residential use (as listed in Section 22.06.030 (Allowable Land Uses and Permit Requirements) by persons authorized to engage in such activity, and who are operating truck-mounted loading or compacting equipment, shall not take place before 7 a.m. or after 7 p.m., and the noise level created by these activities when measured at a distance of 50 feet in an open area shall not exceed the following standards.
 - a. 85 dB for equipment in use, purchased or leased prior to December 4, 1992.
 - b. 80 dB for the equipment described in Subsection D.1 after June 4, 1997.
 - c. 80 dB for new equipment purchased or leased after December 4, 1992.
 - d. 75 dB for new equipment purchased or leased after June 4, 1995.
 3. **Electrical substations.** Notwithstanding the provisions of Subsection B.1, noise from the following electrical substations shall not exceed an exterior noise level of 50 dB between 10 p.m. and 7 a.m. and 55 dB between 7 a.m. and 10 p.m., as determined at the property line of the receiving land use: Cholame, San Miguel, Templeton, Cambria, Perry, Cayucos, Baywood, Highway 1 between Morro Bay and the California Men's Colony, Goldtree, Foothill, San Luis Obispo, Oceano, Mesa, Union Oil, Callendar, and Mustang. If any of these substations undergo modifications that increase noise levels, they shall be mitigated in compliance with the policies of the Noise Element Policy Document.
- E. **Noise level measurement.** For the purpose of evaluating conformance with the standards of this Chapter, noise levels shall be measured as follows.
1. **Use of meter.** Any noise measurement in compliance with this Section shall be made with a sound level meter using the A-weighted network (scale). Calibration of the measurement equipment utilizing an acoustical calibrator shall be performed immediately prior to recording any noise data.
 2. **Measuring exterior noise levels.** Except as otherwise provided in this Section, exterior noise levels shall be measured at the property line of the affected noise-sensitive land use listed in Subsection B. Where practical, the microphone shall be positioned five feet above the ground and away from reflective surfaces.
 3. **Measuring interior noise levels.** Interior noise levels shall be measured within the affected residential use listed in Subsection C., at points at least four feet from the wall, ceiling or floor nearest the noise source, with windows in the normal seasonal configuration. The reported interior noise level shall be determined by taking the arithmetic average of the readings taken at the various microphone locations.

[Amended 1992, Ord. 2545] [22.06.040, 042, 044, 046, 048, 050]

JEFFREY K. PACK

ACOUSTICAL CONSULTANT

Curriculum Vitae

EDUCATION

Berklee College of Music, Boston, Massachusetts, 1984
Bachelor of Music; Professional Music

University of Southern California, Los Angeles, 1981
Bachelor of Science; Geological Sciences

West Valley College, Saratoga, California, 1979
Associate in Science; Science and Mathematics

EXPERIENCE

7/81 to Present	<u>President and Principal Consultant</u> Edward L. Pack Associates, Inc. San Jose, California
--------------------	--

Mr. Pack has experience in architectural, environmental, and industrial acoustics, including interior design of office buildings, hospitals, medical buildings, hotels, recording studios, auditoriums and residences, HVAC noise control, mechanical equipment enclosures, roadway and railroad noise barriers, transportation noise assessments and industrial facility noise control. Transportation noise assessments involve the analysis of automobile, truck, railroad and aircraft noise as they impact residential, commercial and industrial land uses. His responsibilities are involved with both the administrative and technical aspects of Edward L. Pack Associates and his duties also include presentations at public hearings, expert witness testimony, conducting seminars in acoustics, directing and monitoring construction corrective work in residential and commercial buildings and the design and construction direction of noise enclosures for mechanical equipment. Measurements, analyses, and evaluations are made to develop the specific recommendations required for the correction of noise and vibration problems.

He has extensive experience in the field of interior acoustics associated with auditoriums, multi-purpose rooms, gymnasiums, classrooms, churches, public meeting halls, TV and audio/visual recording studios, hospitals, and other acoustically critical spaces. Mr. Pack is an expert in architectural acoustics designing noise isolating walls, windows and floor/ceilings, particularly in multi-family housing for compliance with State and local building codes.

Jeffrey K. Pack, (cont'd)

5/86 to
5/94

President

The Techtonics Company
Sunnyvale, California

Mr. Pack designed, developed, and manufactured acoustic and electronic drum triggering devices, acoustic stringed instrument transducers, including piezoelectric pick-ups for guitars, violins, violas, cellos and basses from inception through final shipping. As President, duties included management of production personnel, purchasing, sales, marketing, and advertising. Retail stores and distributors carrying The Techtonics Company products are located worldwide.

2/93 to
3/94

Adjunct Professor

Cogswell Polytechnical College
Cupertino, California

Adjunct professor of acoustics, which included teaching noise control engineering, audio engineering, architectural acoustics, and sound reinforcement system design.

7/84 to
12/87

Owner

Mirage Music Technologies
San Jose and Hermosa Beach, California

Mr. Pack designed and constructed speaker cabinets, taught music, designed sound reinforcement systems, worked as a DJ for private and public events, worked as a performing musician.

His prior experience includes teaching assistant for Oceanography 210 at USC, 4 years as private drum and percussion instructor, conducting seminars in acoustics and noise control, and in music education as the South Bay Area Alumni Representative for the Berklee College of Music. Other engineering experience included geologic structure mapping, mineralogy, and geologic engineering.

AFFILIATIONS

Acoustical Society of America
American Institute of Physics
Audio Engineering Society
National Council of Acoustical Consultants
Sigma Gamma Epsilon Geological Society

MISCELLANEOUS BUILDING RECORD

36-1
 ADDRESS 2100 E. KING ST
 WILKINSON SEWING MACHINE
 PARCEL 12-24-15
 SHEET 3 OF 5 SHEET

DESCRIPTION OF BUILDINGS

Bldg. No.	Structure	Size	Found.	Wall & Exterior	Roof		Floor & Interior Detail		Second Story or Loft	Year Built	Est. To Life
					Type	Cover					
1	PH	12 X 12	W	500	SHED	WOOD	TDG	CELT		1905	0.83
2	TAB	6000 GNL		500	SHED	WOOD	TDG	CELT		1905	0.83
3	TAB	6000 GNL		500	SHED	WOOD	TDG	CELT		1905	0.83
4	SHED	24 X 20	CP	500	SHED	WOOD	TDG	CELT		1905	0.83
5	SHED	9 X 7 1/2	W	500	SHED	WOOD	TDG	CELT		1905	0.83
6	SHED	118 X 56	W	500	SHED	WOOD	TDG	CELT		1905	0.83
7	SHED	18 X 40	W	500	SHED	WOOD	TDG	CELT		1905	0.83
8	SHED	30 X 18	C	500	SHED	WOOD	TDG	CELT		1905	0.83
9	SHED	14 X 24	W	500	SHED	WOOD	TDG	CELT		1905	0.83

COMPUTATION

ATTACHMENT 7																							
Appraiser - Date			CED 10-6			19 48			20 21			12-23 19 57			5-4			19 51			10-19 19 65		
Bldg. No.	Area	Unit Cost	Cost	% Good	R.C.N. L.N.D.	Unit Cost	Cost	% Good	R.C.N. L.N.D.	Unit Cost	Cost	% Good	R.C.N. L.N.D.	Unit Cost	Cost	% Good	R.C.N. L.N.D.	Unit Cost	Cost	% Good	R.C.N. L.N.D.		
1	216	2.0	238	40	95	1.50	324	40	130	1.70	367	40	147	1.70	367	40	147	1.70	367	50.5	72.5		
2			350	40	140																		
3			350	40	140																		
4	480	1.85	600	40	240	2.00	960	40	384	2.20	1056	40	422	2.20	1056	40	422	2.20	1056	40	422		
5	684	.90	616	500	154	1.25	855	500	214	1.20	752	500	180	1.20	752	500	180	1.20	752	500	180		
6	1272	.60	376.3	40	1505	1.00	621.2	500	1518	1.20	752	500	180	1.20	752	500	180	1.20	752	500	180		
7	720	.75	540	40	216	1.20	864	40	346	1.20	864	40	346	1.20	864	40	346	1.20	864	40	346		
8	540	1.25	675	44	297	1.25	675	40	276	1.40	756	40	302	1.40	756	40	302	1.40	756	40	302		
9	336	.95	252	40	101	1.20	403	40	161	1.30	437	40	175	1.30	437	40	175	1.30	437	40	175		
Total	486				2888				251.800														
Appraiser - Date			19 48			20 21			12-23 19 57			5-4			19 51			10-19 19 65					
Bldg. No.	Area	Unit Cost	Cost	% Good	R.C.N. L.N.D.	Unit Cost	Cost	% Good	R.C.N. L.N.D.	Unit Cost	Cost	% Good	R.C.N. L.N.D.	Unit Cost	Cost	% Good	R.C.N. L.N.D.	Unit Cost	Cost	% Good	R.C.N. L.N.D.		
1	216	1.70	367	505	42	1.70	367	505	42	1.70	367	505	42	1.70	367	505	42	1.70	367	505	42		
4	480	2.20	1056	25	101	2.20	1056	25	264	2.20	1056	25	264	2.20	1056	25	264	2.20	1056	25	264		
5	684	1.20	820.8	25	101	1.20	820.8	25	180	1.20	820.8	25	180	1.20	820.8	25	180	1.20	820.8	25	180		
6	1272	1.00	1272	26	181	1.00	1272	25	180	1.00	1272	25	180	1.00	1272	25	180	1.00	1272	25	180		
7	720	1.40	1008	20	207	1.40	1008	25	276	1.40	1008	25	276	1.40	1008	25	276	1.40	1008	25	276		
8	540	1.30	702	35	101	1.30	702	25	101	1.30	702	25	101	1.30	702	25	101	1.30	702	25	101		
Total			10862		2861		1186		2899														
			2861			2899			15750														

MISCELLANEOUS BUILDING RECORD

ADDRESS 11002 KING WWILLOW SPRINGS RANCHSUNNY

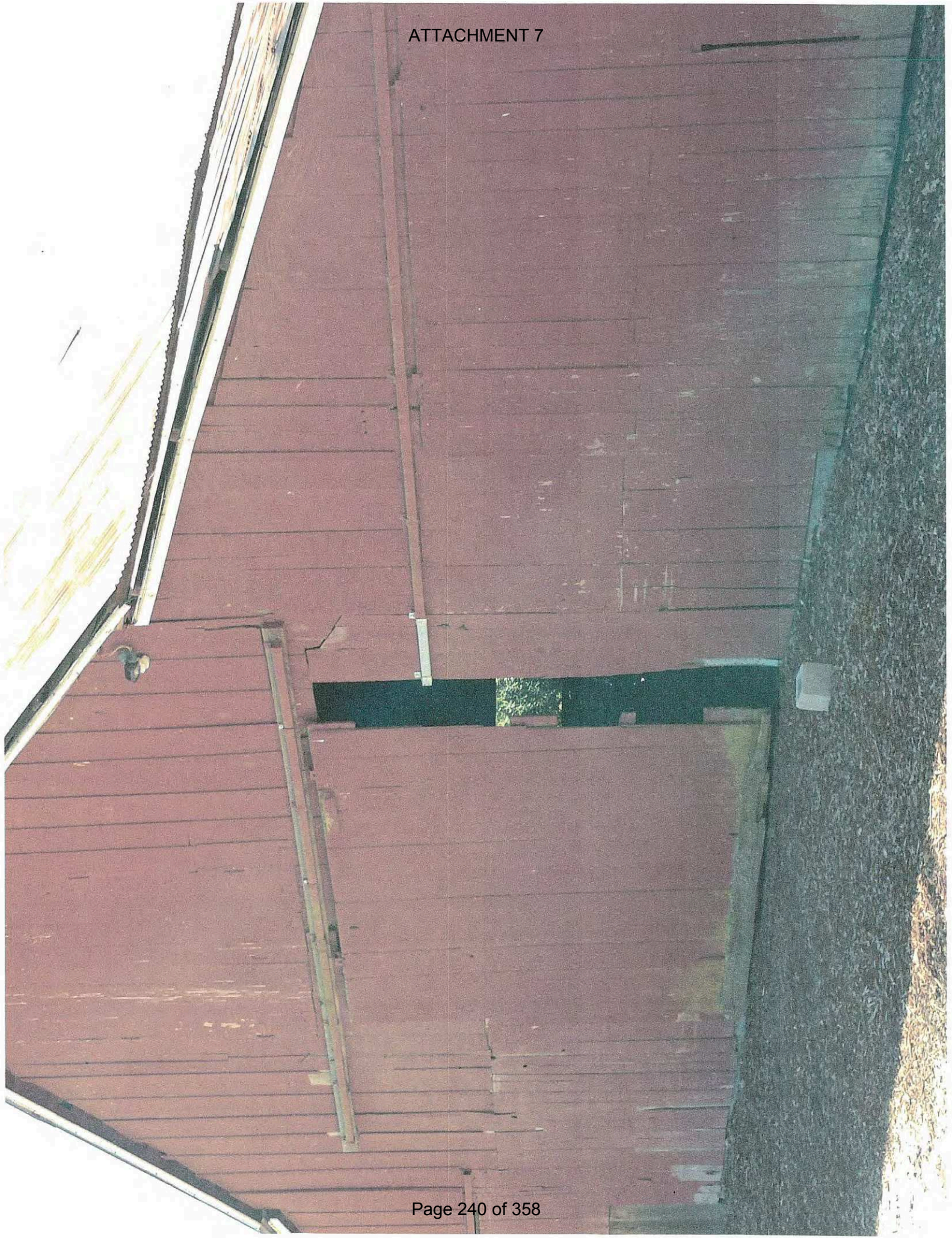
DESCRIPTION OF BUILDINGS

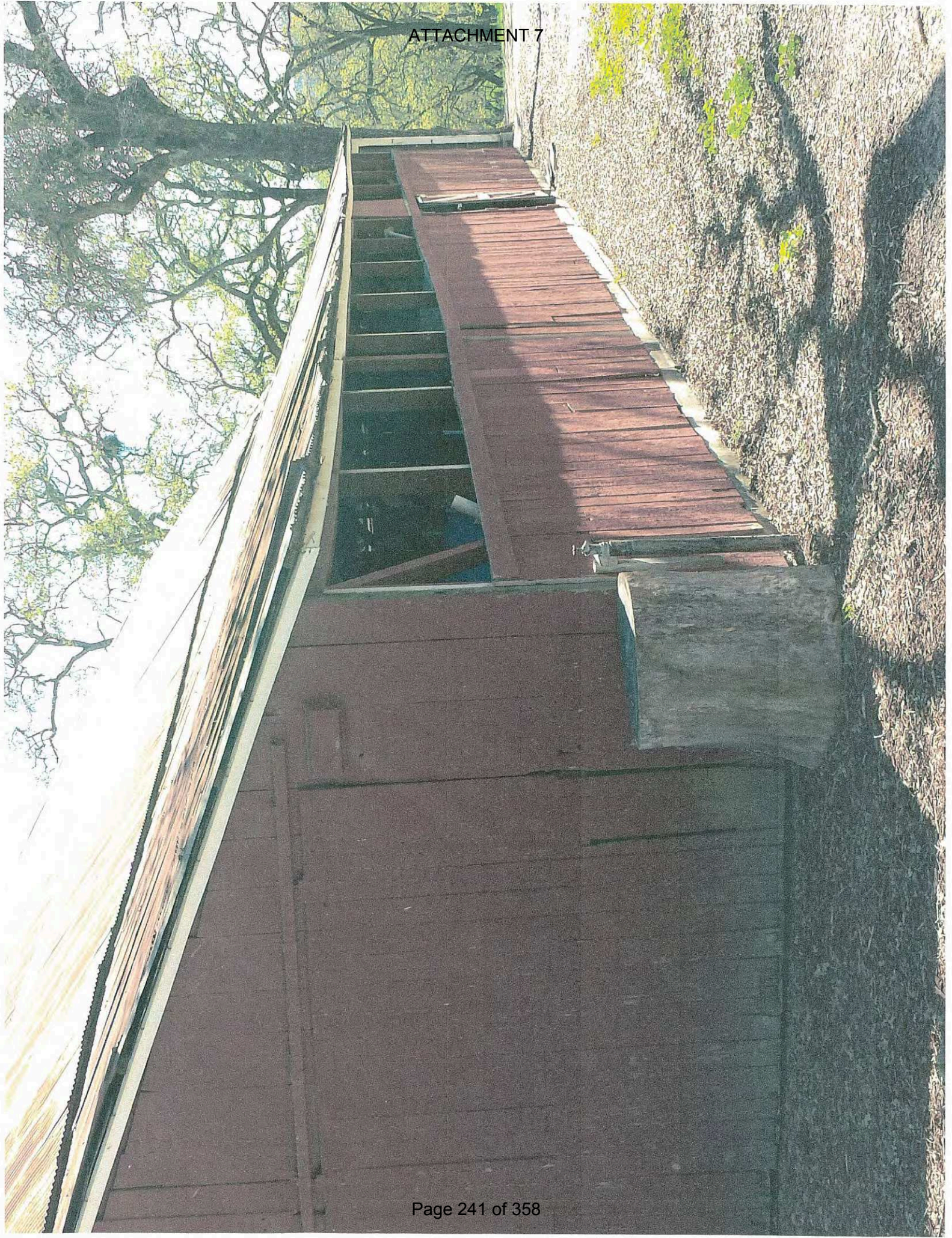
Bldg. No.	Structure	Size	Found.	Wall & Exterior	Roof		Floor & Interior L
					Type	Cover	
1	PH	12x12	W	SW	T&G	SHED COMP	T&G
2	T&G	6000 GAL		CI	NO	VALVE	12 23.5
3	T&G	6000 GAL		ROW			
4	GRANARY	24x20	CP	SW	B&B	GAB	CI T&G
5	SHED	9x76	W	SW	T&G	GAB	CI
6	BARN	112x56	W	BOX	GP	GAB	CI
7	IMPSHED	18x40	W	BOX	T&G/CI	SHED	CI
8	GAB	30x18	C	BOX	T&G	GAB	COMP
9	SHED	14x24	W	SW	T&G	SHED	CI

COMPUTATION

Appraiser - Date		CFD 10-6 1948				RN 12-23 1957				SLB 5-4 1966			
Bldg. No.	Area	Unit Cost	Cost	% Good	R.C.N. L.N.D.	Unit Cost	Cost	% Good	R.C.N. L.N.D.	Unit Cost	Cost	% Good	R.C.N. L.N.D.
1	216	1.10	238	40	95	1.50	324	40	130	1.70	367	40	147
2			350	40	140				PV				NV
3			350	40	140		500	SP25	125				NV
4	480	1.25	600	40	240	2.00	960	40	384	2.20	1056	40	422
5	684	.90	616	SP25	154	1.25	855	SP25	214	SALV. VAL			100
6	6272	.60	3763	40	1505	1.00	6272	SP25	1568	1.20	7526	30	2258
7	720	.75	540	40	216	1.20	864	40	346	1.20	864	40	346
8	540	1.25	675	44	297	1.25	675	40	270	1.40	756	40	302
9	336	.75	252	40	101	1.20	403	40	161	1.30	437	40	175
Total	PB				2888				25% 3198				25% 940 3750

Appraiser - Date		ALW 10-16 1964				PRICED 1/19/83 CA 1983			
Bldg. No.	Area	Unit Cost	Cost	% Good	R.C.N. L.N.D.	Unit Cost	Cost	% Good	R.C.N. L.N.D.
1	216	1.70	367	SP25	92	1.70	367	SP25	92
4	480	2.20	1056	25	264	2.20	1056	25	264
5	684		SALV		100		SALV		100
6	6272	1.20	7526	25	1882	1.20	7526	25	1882
7	720	1.00	720	26	187	1.00	720	25	180
8	540	1.40	756	30	227	2.00	1080	25	270
9	336	1.30	437	25	109	1.30	437	25	109
Total			10862		2861		11186		2897

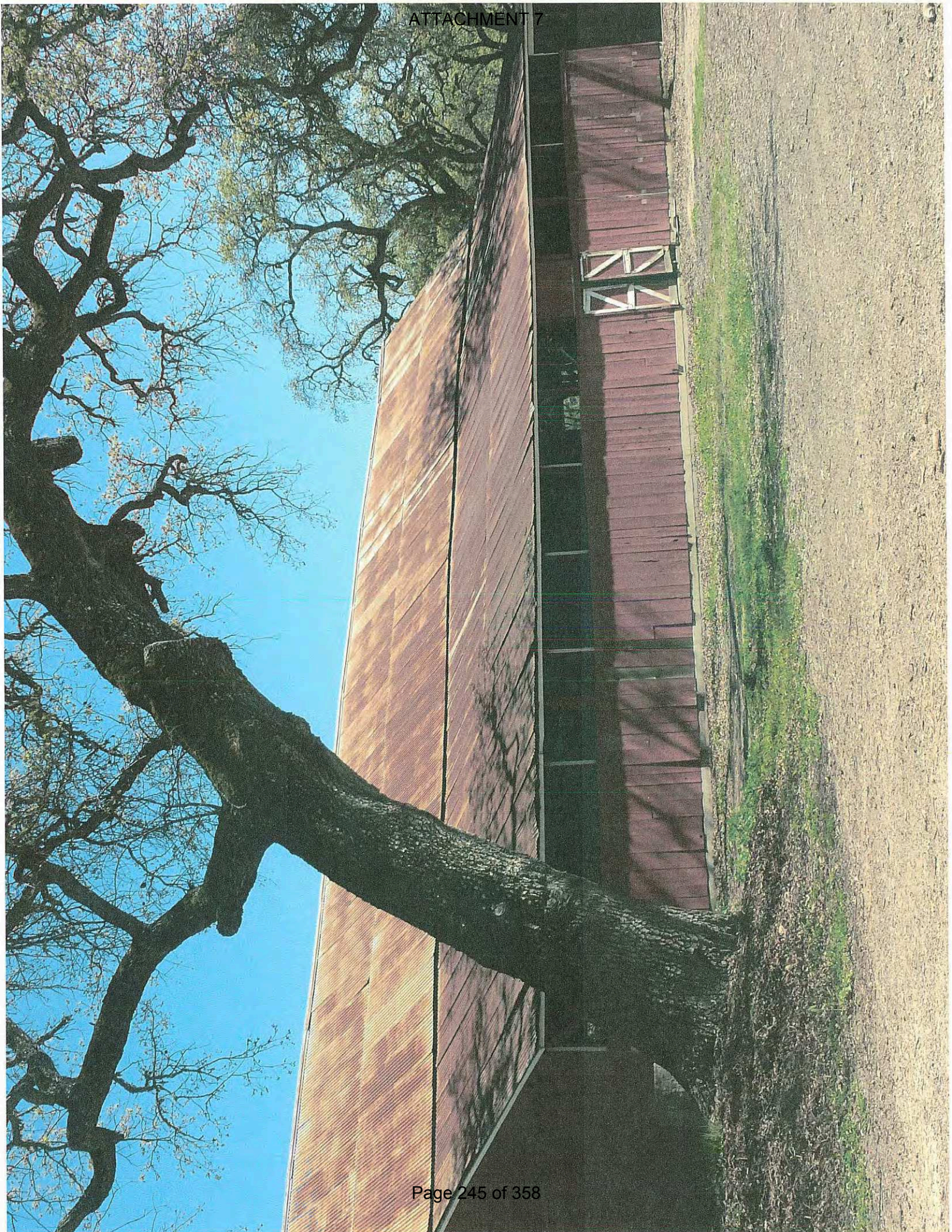














Alison Norton

From: William Lewis Hurley <wlhurley@dososostimberworks.com>
Sent: Monday, March 16, 2015 2:54 PM
To: Alison Norton
Subject: First Look:

Alison,

On my first quick review. You need to have a set of the plans submitted to analyze to design modifications requested.

I'd hit very hard the requested modifications—that will be their weakest areas. If this goes to the board of Supervisors actions allowed here may be determined to prejudge further applications and the ordinances were written with some thought behind them.

The Barn from the Photos provided is the barn listed on the records (probably) due to it's size (112x56) as the one built I believe it says **1900**. Certain structural features tells me this is probably correct. It appears to be in decent shape.

The Documents reference the new buildings will have the same architectural features or style. Plans would be very helpful to verify this as it is very subjective from one person to another and lead into a reason to "re-purpose" the Barn to maintain the rural and agricultural history of the area.

The RWQB and Cal Fire reports might be really helpful. The Fire Sprinklers required have to have a volume and duration (commercial) to maintain the buildings integrity to allow people to exit. Response time from the closest CDF station, although one is pretty close-it may not be fully staffed all year long. The RWQB's standards might, due to the size of the area needed to be met-if they haven't designed it yet pinch the overall site plan to force alterations of their initial design.

Find the plan sets for me.

I'll keep reading.

Bill

William Lewis Hurley

Dos Osos Timberworks, Inc.
2112 9th St.
Los Osos, CA. 93402

PH. 805-528-8402
FX. 805-528-8412
wlhurley@dososostimberworks.com

Alison Norton

From: CLAUDIA WEBSTER <
Sent: Monday, March 02, 2015 6:53 PM
To: Alison Norton
Subject: Fwd: barn to be demolished..

Follow Up Flag: Flag for follow up
Flag Status: Completed

Begin forwarded message:

From: "Krieger Consulting" <dan@kriegerconsulting.net>
Subject: RE: barn to be demolished..
Date: February 28, 2015 11:08:44 PM PST
To: "CLAUDIA WEBSTER"
Cc: <slohistory@gmail.com>, <slohistory2@gmail.com>
Reply-To: <dan@kriegerconsulting.net>

Claudia,

Contact The Department of Planning and Building, 976 Osos Street
Room 200
San Luis Obispo, CA 93408
Tel: (805) 781-5600
Fax: (805) 781-1242

And

District Supervisor Frank Mecham, (805) 781-4491 or 1-(800)-834-4636
The King Vidor association makes the barn a significant cultural resource for the County of San Luis Obispo. You may quote me on that in your communications with county government.

Very truly,

Dan K

Daniel E. Krieger
Professor of History Emeritus
California Polytechnic State University
San Luis Obispo, CA 94407
Past President, California Mission Studies Association

From: CLAUDIA WEBSTER
Sent: Saturday, February 28, 2015 9:16 AM

ATTACHMENT 7

To: dkrieger@calpoly.edu

Subject: barn to be demolished....

Dr. Krieger, I got your name from a document about the Thunder Canyon Farm. My family owns a property on Vineyard Drive, opposite the Pasolivo Olive Ranch. The new Pasolivo owners have been given permission to demolish the barn on the property and build, instead, an event center. Our family has been working feverishly to halt this development since we became aware of the plans (December, 2014). Unfortunately, we are a little behind the curve as they technically have already gotten permission to go ahead with this development. We have retained attorneys to try to at least gain us some time so that we can do some research.

There are many concerns regarding this development, but my personal concern is with the barn. A local contractor, Jack Hanauer, tried to speak out at a planning department hearing about the unique nature of the barn on the property. He said it was the only barn in the area that he knew of that was built with local oak. The posts are actual tree trunks. He also said it was unique because of its construction (the roof is level, of course, but it is 10' higher on one side than the other). He also said it was in very good shape as it has a new foundation and had repair work done in 2005. We know that it was originally a dairy barn. We know that at one time it was owned by King Vidor. I was also able to obtain a document from the county that shows it in existence in 1900. That makes it older than the Octagonal barn that has been preserved. The planning department just says it is historically insignificant.

I am wondering if you can point me in any direction for help. Is there anyone locally who takes an interest in such things? My husband and I live in Santa Cruz, but certainly drive down frequently as our folks live on the Vineyard property.

I would very much appreciate any help you could give me.

Thank you,

Claudia Webster

PS. The Webster Foundation provided the funding for the restoration of the mortice and tenon Cowell Hay Barn on the UCSC campus, so you can see they have a strong interest in historic barns!



Property

The site is located at 8530 Vineyard Drive Paso Robles, CA (APN 014-331-073). The site totals +/-120 acres zoned Agriculture and under Williamson Act contract. The property is home to Pasolivo Olive Oil production facility, owned by Willow Creek NewCo LLC, which includes a 3,100sf production and tasting room structure; processes award winning olive oil from its onsite 45 acre olive orchard.

Pasolivo has been named a Top Ten Oil in the World and Best in Show winners from the Los Angeles International Olive Oil Competition to the San Diego Wine & Food Show. Pasolivo continues to focus on creating a handcrafted American olive oil that can be shared with people all over the country.

Existing Conditions

The site currently has an olive oil processing mill and tasting room, which processes over 45 acres of olive orchard, a large barn, and several residences. The olive orchard is over 15 years old and includes a dozen varieties, predominantly Tuscan varieties. The varieties include Frantoio, Leccino, Pendolino, Lucca, Moraiolo, Mission, Manzanillo, Sevillano and Ascolano olives.

The olive processing/tasting room structure is existing and on the interior of the lot. It is not visible from Vineyard Drive and is adjacent to the existing development on the site. The existing road that is used for the olive processing facility will be utilized for the proposed project. Vineyard Drive will provide both the primary and secondary access to the facilities.

Permit History

A Minor Use Permit (MUP) was approved in 2000 (D990187P) approving a 1,344sf olive oil production facility on the property. The 2000 approval described the use as a production facility with wholesale distribution of the end product. On-site retail sales of olive oil were not included in the 2000 MUP approval. All conditions were satisfied for this MUP and the MUP was vested in July 2002.

After approval of the 2000 MUP a subsequent building permit (PMT 2004-03307) was applied for to build a 1,258sf addition to the existing olive production facility. The Building Permit approved shifting the olive production area to the new portion of the building and then

converting the previous production area (old processing area – current olive tasting room) to non-conditioned ag storage. This building permit and re-orientation of production area was found to be in substantial conformance with the 2000 MUP and finalized in January of 2006.

A subsequent MUP was submitted to the County in 2006 (DRC 2006-00061). This MUP was a reconsideration of the 2000 MUP with a request to add a public tasting component for the olive oil production facility (in non-conditioned ag storage area) as well as the addition of a wine production component (winery), including a tasting room, and a special event program with up to 6 events a year with a maximum of 80 attendees. This use permit was approved on June 1, 2007 and all components of the MUP, with the exception of the special event program, were determined to be vested on March 2, 2012.

Proposal

The following project proposal is for a Phased Minor Use Permit to expand the existing Ag Processing and Visitor Serving uses into new buildings and reconfigure use areas within the existing structures. The proposal also includes a request for a special event program using the provisions contained in the land use ordinance relating to Temporary Events.

Phased Construction-Ag Processing and Temporary Events

PHASE ONE

New

Tasting Room located within replacement barn:

Additional Improvements to Ag Accessory Structure (Replacement Barn)

- Installation of commercial kitchen and bathrooms
- Interior improvements required for barn to meet Uniform Building Code and ADA Requirements

Existing

Olive Oil Mill: 3,100sf

Outdoor processing: 4,187sf

- Remove tasting room in existing mill when new tasting room is constructed in barn
- Limited to processing on-site olives

Other Ag Processing Improvements

- Ingress and egress improvements
- Parking upgrades
- Utilities

Temporary Events

PHASE TWO-THREE

New

Olive Oil Tasting/Retail Building- 2,600sf (* tasting room in barn converts to storage when new tasting building is constructed)

Outdoor Terrace: 1,540sf

Creation of parking area near tasting room identified on site plan

PHASE THREE TWO

Conversion of an existing Ag Storage (3,000sf) building to Ag Processing Production and Storage (wine and/or olive production)

- Allow processing of off-site olives in Phase 3 building

Event Program

Temporary Events-Annual Program

25 events with up to 200 people

events

Temporary Events are proposed to occur during Phase One and will occur outside or in existing buildings. Indoor locations include the replacement ag barn and the tasting room; outdoor areas are located immediately north of the barn, and occasionally at the tasting room terrace.

Event overflow parking will be located at the existing parking area near the barn and an unimproved area beyond the ag processing structures, identified on the site plan. Secondary access is provided from the event site out to Vineyard Drive on a 20' wide access road.

Event Types- General Discussion

Pasolivo is seeking the approval for temporary events to be held onsite. The desire is to be able to showcase their product through events. Events present the ability to expand their direct to consumer marketing plan. Pasolivo olive oil can be incorporated into these events in many ways from the food to the onsite agricultural experience.

Event types (hypothetically and not limited to):

Farming symposiums, culinary and art shows, wine and food symposiums, weddings and corporate dinners, olive oil making seminars.

Non-Profit Events:

The Events and Activities listed above do not include Non-Profit Events. The Land Use Ordinance currently does not regulate Non-Profit Events. Pasolivo intends to continue to make the property available for use by local non-profits for fundraising activities. The ownership understands the important and vital services non-profit organizations provide to the local community. It is part of the ownership philosophy that the Temporary Event program at Pasolivo include a 'give-back' component and that Non-Profit events at the site are not restricted unintentionally.

Noise

An acoustical assessment was performed to evaluate potential noise impacts from proposed events with amplified music at Pasolivo. Events are proposed within the replacement barn, outside the barn and at the tasting room's small outdoor terrace. The results of the noise study suggested the following for each event scenario assuming amplified music:

1. Replacement Barn (Doors Closed) - Meets County noise standards for day and nighttime events
2. Replacement Barn (Doors Open) – Meets County noise standards for day and nighttime events with mitigation:
 - South doors must be closed
 - North doors can be open
3. Outside, North of Barn-referred to as North Outdoor Terrace-Meets County noise standards for day and nighttime events with mitigation:
 - Sound System Mitigation - Speaker location recommended to be against north facing building façade and directed to the north
4. Tasting Terrace- Meets County daytime standards with mitigation:
 - Orient sound system speakers to the north

Originally, a south side outdoor area was proposed near the barn to be utilized for events. Since this area could not meet County standards, it was removed from the project application.

Events without amplified music will not exceed County noise limit thresholds. Additional mitigation measures were suggested in the acoustical report such as rental agreement language and neighbor communication.

Cultural Resources

A Cultural Resource Assessment with a Phase I Archeological survey was conducted to examine two existing structures onsite which are proposed for demolition or replacement: the old

Barn

foreman's residence and ag barn. A Phase I Archaeological survey was conducted due to the proximity of drainage. The assessment was performed by LSA and the results came out to be that both structures were not of cultural significance as they were did not meet the criteria for a significant resource as defined by CEQA. Additionally, no cultural resources were discovered during the Phase I survey. The report and its mitigation measures are included with the application package.

Siting

The existing olive mill and tasting room is located at the interior of the lot. It is not visible from Vineyard Drive and is adjacent to the existing development on the site. The new tasting/retail building will be located near the old foreman's residence, to the north of the replacement barn. There is an outdoor wooden terrace proposed to be located in the location of the old foreman's residence. The tasting/retail building will be screened with existing oaks and new plantings as proposed on the landscape plan.

The existing entrance that is used for the olive processing facility will be utilized for the proposed project. In order to improve overall circulation on the site an additional access point is being installed along the Vineyard Drive frontage.

Access

Pasolivo proposes to continue to utilize the existing primary entrance for visitor and production (as has been permitted previously). The existing access will be limited to ingress and will essentially be a one way circulation until it meets the new tasting room and barn vicinity. At this point, it diverts where it either branches off to a two way circulation back to the processing/overflow parking area, or branches back to Vineyard Driveway to the exit. Minimal directional signage will be provided to direct visitors to the appropriate locations. Access locations were examined by a traffic engineer and input was implemented into the project site design.

Grading, Drainage & Utilities

The total (new) project site disturbance involves a total of 3.5 acres (limits identified on preliminary grading and drainage plan). The project will utilize portions of the existing access and infrastructure.

Total Area Disturbed: 4.7 acres

Area previously disturbed with existing improvements: 1.2 acres

(New project will disturb an additional 3.5 acres)

New improvements involve:

- Access-Reconfiguration of existing access and new extension for egress
- Pedestrian circulation-pathways, ADA accessibility
- Utility upgrades-water lines
- Building Pads-Replacement Barn and Tasting Building
- Retaining walls

- New parking area at new tasting room building

The project will be adding approximately 1.3 acres of impermeable surfaces. Impacts from these impermeable surfaces are addressed through best management practices (BMP). Several vegetated swale areas have been incorporated throughout the site's existing and proposed landscape in order to implement and catch run off from those surfaces. Further BMP's are addressed in the landscape plan.

Landscape:

New landscape is planned for areas around the new tasting/retail building and the replacement barn. Plantings were chosen from the County's approved plant list and involve shrub species such as lavender, rosemary, manzanita, sage and brush. In addition to oak tree mitigation planting onsite, the palette also includes madrones, sycamores, western redbud and flannel bush. A dry hydroseed mix will be dispersed amongst disturbed areas in efforts to re-vegetate those areas back to a natural state. Vegetated swales will be comprised of natural grass species and emergency species.

Landscape accent lighting is proposed to highlight a few of the oaks onsite and occasional down shielded lighting is proposed along the access and small bollards along the pathways. Please refer to proposed lighting plan for further information on location and specifications.

Signage:

Two monument plaques are proposed at the entry and exit. These will be small metal signs attached to the entry fencing/pilasters. Minimal onsite directional signage is proposed onsite to direct visitors to appropriate parking areas and refrain from entering the orchards and production areas. The total site signage proposed will not exceed 100sf.

Water

Fire Suppression Storage

Existing fire suppression and other fire protection measures will be evaluated by Cal Fire as part of the MUP review process and for future building permits. A master fire protection plan has been designed by Collings and Associates, which is included in the application. This master plan factors in the proposed phased construction which includes commercial sprinklers for the new tasting/retail building and replacement barn since it will be occasionally utilized for public occupancy, as well as the potential future expansion for ag processing/storage building at Phase Two. Approximately 45,000 gallons worth of water storage will be provided in a stainless steel tank, upslope of the project site, near the residences and amongst oaks. The tank will be neutral color and screened by existing oak trees. The storage tank is sited at an elevation that will capture gravity flow. Access to the tank and utilities lines will be provided by and follow the residential driveway.

Water & Conservation Measures

Landscape Water Conservation Measures

- Drought tolerant landscape

- Mulch is used for more efficient maintenance-moisture retention
- Irrigation is monitored

Indoor Conservation Measures

- All High Efficiency Toilets (1.28 gallons per flush or less)
- Tankless water heaters
- Recycled wood siding
- 100% aluminum recycled siding
- Future solar photo-electrical panels
- Energy star light fixtures and appliances
- Low voc paints
- Cool roof

Biological

Spring/Summer surveys were conducted and a biologist report is being completed. No special species of concern were identified on the site. Impacts to oak trees are anticipated and will be further observed and documented by the project arborist. The arborist provided an initial site visit to observe existing oak tree conditions and safety measures. The arborist provided direction to remove and trim certain trees to improve the tree's health and to provide overall safety for the public. These removals/impacts are addressed in project design. Additional impacts are anticipated to oaks near the access in order to upgrade for full compliance with Cal Fire and County compliance. Both a biological assessment and arborist report with tree impact plan is forthcoming.

Land Use Element and Inland Land Use Ordinance Consistency:

The application involves a variety of potential uses onsite, which will all comply with the appropriate sections of the County's Land Use Ordinance. The compliance discussion will cover the following uses:

- Ag Processing –Section 22.30.070
- Ag Retail & Tasting- Section 22.30.075
- Temporary Events- 22.30.610

Ag Processing and Retail Compliance

22.30.070 - Agricultural Processing Uses

Agricultural processing activities, including but not limited to wineries, packing and processing plants, fertilizer plants, commercial composting and olive oil production without the use of solvents, are allowable subject to the following standards.

A. Permit requirements.

1. Minor Use Permit approval is required for agricultural processing activities, including but not limited to wineries, packing and processing plants, fertilizer plants, and commercial composting, unless Section 22.08.030 (Project-Based Permit Requirements) or Subsection D. would otherwise require Conditional Use Permit approval.
2. **Olive oil production.** In the Agriculture and Rural Lands land use categories the permit shall be determined by Section 22.06.030, Table 2-3 for olive oil production as allowed by this Section where the 100 percent of the raw materials being processed are grown on the site of the processing facility or on adjacent parcels. Olive oil production facilities as allowed by this Section where any of the raw materials being processed are not grown on the site of the processing facility or on adjacent parcels shall be subject to Minor Use Permit approval.) MUP

B. Application content.

1. Public notice.

- a. **Prior to application submittal.** The applicant shall submit evidence that the neighboring property owners and the applicable advisory group were notified of the request prior to the submission of the land use permit to the county. This notice shall be provided by the applicant sending a letter using the form provided by the Department of Planning and Building. The letter shall be mailed or delivered at least 10 days prior to application submittal to the applicable advisory group and to all owners of real property as shown on the latest equalized assessment roll within 1,000 feet of the subject site.
- b. **Public hearing notice.** Public notice shall be provided to owners of property within a minimum of 1,000 feet of the exterior boundaries of the proposed agricultural processing site (and to all property owners fronting any local roads that serve the facility back to an arterial or collector, instead of in the manner normally required for public hearings by Section 22.70.060. Public notice may be required to be provided to properties greater than 1,000 feet away for certain applications at the discretion of the Director of Planning and Building.

2. **Description of use.** Applications for agricultural processing uses are to include a description of all processes and equipment proposed for use on the site, and a description of measures proposed to minimize the off-site effects of dust, odor or noise generated by the proposed operation. Such information is to be provided in addition to that specified in Article 6 (Land Use and Development Permit Procedures), in order to evaluate the conformity of a proposed use with the standards of Article 3 (Site Planning and General Project Design Standards).
- C. **Minimum site area.** No minimum required unless Subsection D. would otherwise require a minimum site area.

Olive oil production. For the purposes of this section the production of olive oil is the making of edible oil obtained solely from the fruit of the olive tree (*olea europea L.*) and specifically excludes the manufacture of edible oils obtained using solvents or re-esterification processes and any oils resulting from a mixture with other oils except in the making of flavored olive oil. Olive oil processed using solvents is included under "Food and Beverage Products".

- a. **Solid waste disposal.** Pomace may be used as fertilizer or soil amendment, provided that such use or other disposal shall occur in accordance with applicable Health Department standards.
- b. **Liquid waste disposal.** Standards shall be set, where applicable, through Regional Water Quality Control Board discharge requirements developed in compliance with Section 22.10.180 (Water Quality).
- c. **Setbacks.**
 - (1) **Rural areas.** All structures and outdoor use areas shall be a minimum of 200 feet from each property line and no closer than 500 feet to any existing residence outside of the ownership of the applicant.

This application includes the continuation of olive oil production of on-site olives and storage. Olive oil production will continue to be processed at the existing mill. The existing mill is 100' from the property line and is an approved olive oil processing facility for onsite olives only. Future production storage may occur at Phase Two in a converted ag storage building. The converted structure would be over 200' from the nearest property line and almost 600' feet away from the exiting neighboring residence outside of ownership, which meets setback qualifications to produce/store offsite olives in addition to onsite olives.

- d. **Parking.** None, provided that sufficient usable area is available to permanently accommodate all employee and visitor parking needs entirely on-site.

The site provides existing and future adequate parking for its olive oil production facilities.

- e. **Design standards.** In the Agriculture, Rural Lands or Residential Rural land use categories, all structures associated with olive oil production shall have an exterior design style that is agricultural or residential in nature. Structures shall not use an exterior design style typically associated with large industrial facilities unless the facility is proposed in the Commercial Service or Industrial land use category.

The exterior for the mill has a residential farmhouse character and will remain as is. The Phase Two future conversion of ag storage to ag production storage is agriculture in nature, prefabricated metal exterior, which is indicative of the agricultural industry.

- f. **Lighting.** All lighting fixtures shall be shielded so that neither the lamp nor the related reflector or interior surface is visible from any location off the project site. All lighting poles, fixtures, and hoods shall be dark colored. No exterior lighting shall be installed or operated in a manner that would emit light, either reflected or directly, in an upward direction.

Lighting fixtures proposed to light access ways and pathways will be down lit or small bollards that will be non-reflective. Small accent lighting will highlight the majestic oaks onsite and all lighting will adhere to the provisions of this code. Please refer to the landscape and lighting plan included with this submittal package.

- g. **Tasting rooms and retail sales.** Tasting rooms and retail sales shall be clearly incidental, related and subordinate to the primary operation of olive oil production facility. On-site tasting rooms and retail sales of olive oil are subject to Section 22.30.075 (Agricultural Retail Sales - Farm Stands).

At Phase One, the tasting/retail building and outdoor terrace total 4,140sf of visitor area which is incidental to the 7,287sf ag processing use areas onsite. This demonstrates that the visitor area is clearly subordinate to the ag processing use onsite. Additional ag processing areas may be added during the proposed conversion of the 3,000sf ag storage building to ag processing and storage at Phase Two. The new tasting room will abide by Section 22.30.075, compliance discussed below.

22.30.075 - Agricultural Retail Sales

These standards apply to the retail sale of agricultural products in structures, or a portion of a structure, constructed or converted for agricultural product merchandising. Hay, grain and feed sales are subject to Section 22.30.210 (Farm Equipment and Supplies). Sales from vehicles and seasonal sales are subject to the applicable provisions of Section 22.30.330 (Outdoor Retail Sales). Sales in the field not involving a structure that requires a building permit, including U-Pick operations, are considered Crop Production and Grazing. The standards of this Section apply in addition to all applicable permit requirements and standards of the County Health Department, and any other applicable Federal and State statutes or regulations. It is recommended that applicants contact the County Health Department as early as possible to determine if any additional standards apply.

A. Limitation on use.

1. **Field Stand.** Field Stands allowed under this section are defined as an open or fully enclosed structure, where 100 percent of the fruits, vegetables, flowers, shell eggs, nuts, raw fiber or honey offered for sale are grown or produced by the operator and the stand is located on the site where the products offered for sale are grown or produced or on another site controlled by the grower. Does not include packaging, processing, sampling or tasting or the sales of any packaged or processed produce or products.
2. **Farm Stand.** Farm Stands allowed under this section are defined as a structure or portion thereof, where at least 50 percent of the floor area of the stand is dedicated to selling fruits, vegetables, flowers, shell eggs, nuts, raw fiber or honey that is grown or produced by the operator and the stand is located on the site where the products offered for sale are grown or produced or the sale of prepackaged non-potentially hazardous food, including olive oil, from a state approved source grown or produced on-site. The remaining 50 percent of the floor area of the stand may be used for the selling of fruits, vegetables, flowers, shell eggs, nuts, raw fiber or honey that is grown off site. The sale of prepackaged non-potentially hazardous food from a state approved source not grown or produced on site and other non-food ancillary items is limited to 50 square feet of storage and sales area and may include bottled water and soft drinks. Food preparation is prohibited except for food sampling or tasting.

B. Design Standards.

1. **Sales Area Limitation.** The floor area of the structure, portion of a structure and/or any outdoor display area shall be limited to a total of 500 square feet unless otherwise authorized by Minor Use Permit approval.

The project proposal includes a modification of the sales area to allow up to 1,900sf of sales area (outdoor/indoor).

2. **Use of Structures.** Agricultural Retail Sales located in a structure shall be permitted as required by applicable building codes.

The proposed olive oil and tasting building will comply with current building code when the building permit is filed for this structure.

3. **Location.** The principal access driveway to a site with a Field Stand or Farm Stand in a residential land use category shall be located on or within one mile of an arterial or collector. The driveway approach shall conform with current county standards for construction and sight distance.

Not applicable

Setbacks

4. **Setbacks.** Agricultural Retail Sales shall be located a minimum of 50 feet from the front property line, 30 feet from side and rear property lines, but no closer than 400 feet to any existing residence outside the ownership of the applicant. If it is not possible to maintain 400 feet from a residence outside of the ownership of the applicant, the setback can be modified through a Minor Use Permit.

The retail/tasting room will be beyond 50' from the front property line (94' for phase I and 373' at phase II), beyond 30' on side and rear property lines (322', +/-1,100' sides and +2,000 to the rear). The nearest residence outside of ownership is located 307' away at phase I, which requires a setback modification request through a Minor Use Permit. This setback modification request is being made with this MUP request.

5. **Parking.** One parking space is required per 250 square feet of structure or outdoor display area. Parking shall be provided as follows, with such parking consisting at a minimum of an open area with a slope of 10 percent or less, at a ratio of 400 square feet per car, on a lot free of combustible material, on areas of the site that are not Class I soils as defined by the Natural Resource Conservation Service (NRCS), and outside of the public road right-of-way. Parking areas shall be located in an off-street area accessed by a driveway which conforms to local fire agency standards. The parking area shall be surfaced with crushed rock, Class II aggregate base or similar semi-permanent all weather surface.

The retail and tasting room combined totals 2,600sf which equates to 10 parking spaces. The site plan provides for 12 parking spaces which meets the required parking amount. A small 1,200sf portion of the parking area is located on Class II soils (188); this portion was previously disturbed and occupied by the foreman residence, its landscape, and ag access to the olive orchard.

Signage

2. **Office and Recreation categories.** The following signs are allowed in the Office and Professional and Recreation land use categories, with a maximum aggregate area of 100 square feet of signing per site:
 - a. Wall signs for each business or tenant, with the number of such signs allowed being equivalent to the number of building faces having a public entrance to the business. The allowed area for the wall signs shall be 10 percent of the building face, up to a maximum of 50 square feet. Such wall signs may be located on building faces other than those with public entrances.
 - b. One suspended sign with a maximum area of 10 square feet for each business or tenant.
 - c. One monument sign for each business or tenant with a maximum area of 40 square feet and a maximum height of five feet.
3. **Commercial or public assembly uses in other categories.** Where commercial or public assembly uses (churches, sports facilities, etc.) are located in the Agriculture, Rural Lands or Residential land use categories, signing is allowed as set forth in Subsection A.2 for the Office and Professional category.

Proposed signage will comply with the maximum total site signage of 100sf. A total of 96sf of site signage is proposed, which involves two, 40sf monument metal plaques fastened to pilasters, and four, 4sf directional signage markers which aid with onsite circulation to keep visitors out of olive orchards and ag processing areas and direct to appropriate locations.

23. **Exterior wall murals.** Wall murals are allowed on exterior walls and building faces that do not contain any commercial signage. A wall mural includes images or pictorial elements and does not include trademarks, logos, or text; has no commercial context; does not represent any product for sale and is consistent with community character. The applicant shall provide an illustration of the proposed mural to the community advisory group and mural society where such group(s) exist for review and comment, and to the Director prior to a determination that the mural is exempt. If the mural is deemed to not be exempt by the Director, the applicant shall meet all standards and obtain a sign permit (Zoning Clearance) as required by Chapter 22.20.

A painted exterior wall mural is proposed along the northwest facing building façade which depicts an olive branch. The mural meets the definition of an exterior wall mural since it does not have text and is a form of artwork.

Temporary Event Compliance

Temporary Events are a Recreation, Education and Public Assembly Use defined by Table 2-2 of the County LUO that is an allowable use in a Agriculture land use category, subject to specific use standards set forth in Section 22.30.610.

County Land Use Ordinance Compliance:

The application is to hold temporary events onsite in compliance with County Land Use Ordinance Section 22.30.610.

22.30.610 - Temporary Events

Where allowed by Section 22.06.030, temporary events are subject to the standards of this Section. (Swap meets are subject to the standards of Section 22.30.530 - Sales Lots and Swap Meets.)

A. Permit requirements. Minor Use Permit approval, except as follows.

B. Time limit. A temporary event shall be held in a single location for no longer than 12 consecutive days, or four successive weekends, except where a different time limit is established by other applicable provisions of the County Code or through Minor Use Permit approval.

This application includes a temporary event program. Temporary events that occur onsite will adhere to the time limit set forth in LUO Section 22.30.610B as stated above.

C. Location. The site of any temporary event other than public events and parades shall be located no closer than 1000 feet to any Residential Single-Family land use category.

The site is surrounded by properties zoned Agriculture.

D. Site design standards. All temporary events are subject to the following standards, regardless of whether a land use permit is required, except where alternate standards are established by Chapters 6.56 or 8.64 of the County Code.

1. Access. Outdoor temporary events shall be provided a minimum of two unobstructed access points, each a minimum of 18 feet wide, from the event site to a publicly maintained road.

2. Parking. Off-street parking shall be provided private events as follows with such parking consisting at minimum, of an open area with a slope of 10 percent or less, at a ratio of 400 square feet per car, on a lot free of combustible material.

a. Seated spectator events. One parking space for each 12 square feet of seating area.

b. Exhibit event. One parking space for each 75 square feet of exhibit area.

3. Fire protection. Facilities to be provided as required by the County Fire Department.

4. Water supply and sanitation. Facilities to be provided as required by the Health Department.

Two unobstructed access points are available from the event site to a publicly maintained road (Vineyard Drive). One access is existing and serves as the existing access to the olive oil processing and tasting room facilities. The other access point includes improvements to an existing ag road which currently serves as the connection between the olive orchard and

processing facility. The road is proposed to be widened to provide two-way circulation for the olive oil production facility and tasting room. A small extension will be constructed off the ag road to complete the access road out to Vineyard Drive. These improvements will serve as the visitor egress, agriculture service road and emergency access. Both of these access points were previously approved for commercial activity and events (DRC2006-00061). Both existing access points comply with County and Cal Fire access standards for temporary events. Overflow event parking areas are identified on the site plan; which are unimproved and under 10% slope.

Existing fire suppression and other fire protection measures will be evaluated by Cal Fire as part of the MUP review process and for future building permits. A master fire protection plan has been designed by Collings and Associates, which is included in the application. This master plan factors in the proposed phased construction which includes commercial sprinklers for the new tasting/retail building and replacement barn since it will be occasionally utilized for public occupancy, as well as the potential future expansion for ag processing/storage building at Phase Two. Additional 45,000 gallons worth of water storage will be provided in a stainless steel tank, upslope of the project site, near the residences and amongst oaks. The tank will be neutral color and screened by existing oak trees. The storage tank is sited at an elevation that will capture gravity flow. Access to the tank and utilities lines will be provided by and follow the residential driveway.

Ag Policy Compliance

The proposed project is consistent with surrounding uses. The site's primary use is and will continue to be agricultural – olive orchards and olive oil production. All temporary events will be held within the replacement barn and surrounding outdoor area on previously disturbed portions of the property. Only existing structures and roads will be used for events purposes; no new disturbance is proposed. Therefore, the proposed temporary event program will result in no impacts to the existing on site agricultural operations.

The proposed project is consistent with the Land Use Element of the County of San Luis Obispo's General Plan and Agricultural Department policies. Temporary Events are an allowed use in an Agriculture land use category, subject to County of San Luis Obispo Land Use Ordinance Section 22.30.610 as discussed in a previous section.

In addition, the project is consistent with the County's Agriculture Department policies because this project is utilizing existing disturbed area and will not interfere with the ongoing vineyard operations.

AGP6: Visitor Serving and Retail Commercial Use and Facilities.

- a. Allow limited visitor serving and incidental retail use and facilities in agricultural areas that are beneficial to the agricultural industry and farm operators and are compatible with long-term agricultural use of the land. Such uses shall be clearly incidental and secondary to the primary agricultural use of the site and shall comply with the performance standards in the LUO.
- b. Locate the visitor serving and incidental retail use off of productive agricultural lands unless there are no other feasible locations. Locate new structures where land use compatibility, circulation, and infrastructure capacity exist or can be developed compatible with agricultural uses.

As stated in the Ag and Open Space element, this policy recognizes the need for farmers and ranchers to diversify their on-site activities from production through the marketing of their agriculture products. The on-site promotion and marketing of local agriculture products is vital to the County's agri-tourism efforts. Olive oil is a growing agricultural industry and its ability to thrive in this county relies heavily on direct to consumer marketing, through sales and events.

This project includes the continued capability to provide an olive oil tasting room to its visitors. The tasting room and outdoor visitor use areas will remain incidental to the existing mill operation onsite. The project also includes a second phase, which will add an additional ag processing/storage area. Part of the Pasolivo's direct to consumer marketing plan includes temporary events. Events will be held onsite which will present a rural and agrarian experience and interaction with agriculture onsite. Visitors will be exposed to the surrounding orchards and other nearby agriculture and will have the ability to taste and purchase the ag product grown onsite at any of the events. A majority of the events will involve a culinary experience incorporating the olive oil into its recipes which can be enjoyed by visitors.

are they going to sell the ~~oil~~ oil during wedding?

The tasting room and area which events will take place, are located in previous disturbed areas where the existing barn and residence were located. The visitor areas will not hinder or interfere with the existing ag operation, but will promote and enhance existing operations. Existing circulation will be utilized for ag and visitor use.

AGP18: Location of Improvements.

- a. Locate new buildings, access roads, and structures so as to protect agricultural land.

Discussion: This policy is intended to ensure that new facilities will be sited so that the most productive agricultural land will be kept available for agricultural production. On such land, allowable uses should generally be limited to those that are most directly related to agricultural production. Such limitations are found in existing inland LUE planning area standards that limit uses in the Arroyo Grande, Nipomo and Oso Flaco Valleys.

The intent of Ag Policy 18 is to maintain suitable agriculture land and keep new facilities from interfering with the existing and suitable ag production areas. The new structure is devoted to tasting and ag retail. Its location is at the old foreman's residence, a previous utilized area. The tasting/retail building will be accessed by an existing road. Phase two includes a conversion of an existing ag storage building to be used for future ag processing storage. All other structures are existing and or a replacement to existing structures and are all within a small portion of the site which has already been disturbed with previous projects and away from the olive orchards.

AGP24: Conversion of Agricultural Land.

- a. **Discourage the conversion of agricultural lands to non-agricultural uses through the following actions:**
 1. **Work in cooperation with the incorporated cities, service districts, school districts, the County Department of Agriculture, the Agricultural Liaison Board, Farm Bureau, and affected community advisory groups to establish urban service and urban reserve lines and village reserve lines that will protect agricultural land and will stabilize agriculture at the urban fringe.**
 2. **Establish clear criteria in this plan and the Land Use Element for changing the designation of land from Agriculture to non-agricultural designations.**
 3. **Avoid land redesignation (rezoning) that would create new rural residential development outside the urban and village reserve lines.**
 4. **Avoid locating new public facilities outside urban and village reserve lines unless they serve a rural function or there is no feasible alternative location within the urban and village reserve lines.**

The intent of Ag Policy 24 is to protect agricultural lands from conversion to non-agricultural uses through avenues of subdivision, land use re-designation and public facilities. The proposal is to explain an existing ag processing facility in areas that are not currently intensified in olive orchards.

The proposal does not change the zoning, proposes any subdivisions, or propose a public facility that is non-agricultural related. The project is consistent with the Ag 24 Policy because the project is related to agricultural (ag processing and retail), and will not hinder the current ag processing/production and Agriculture zoning onsite.

AG Policy 31

Ag Policy 31- Recreational Use of Agriculture Lands is an additional ag policy that is referred to when referencing recreational uses on Agriculture land. Temporary Events are defined in Table 2-2 as a Recreational Use therefore it is intuitive that AGP 31 is the primary policy in which to evaluate Temporary Events. AGP 31's intention is to promote recreational uses on privately owned land on a case-by-case basis, where such uses are compatible with the on-site and off-site agriculture and environmental resources.

Temporary events on this property will take place in and around existing structures and landscape. The area is nestled amongst agriculture which will provide the opportunity for guests to observe and therefore appreciate rural olive / olive oil production. The proposed events will not affect the ag use onsite and will utilize existing access and structures. The limited number of events occurring on the site will be compatible with the on-site agricultural operations and the larger agricultural neighborhood.

Temporary Events BOS Interpretation Discussion

In 2009, the County of San Luis Obispo's Board of Supervisors provided an interpretation on Temporary Events definition, time limits and relation to Agriculture and Ag Policy 6. The following information is a summary of the Board's interpretation and how this project meets the adopted interpretation.

2. The Board of Supervisors makes the following interpretation regarding the application of Section 22.30.610 of the Land Use Ordinance, Title 22 of the County Code:

a. That a single Minor Use Permit can authorize multiple temporary events per site and the Review Authority will set a finite time limit for the life of the permit as part the action taken on the permit.

b. That Temporary Events are defined as "any use of a structure or land for an event for a limited period of time where the site is not to be permanently altered by grading or construction". That the use of existing structures temporarily during events, and grading not requiring a grading permit, does not constitute permanent alteration of the site. Also, that the interior remodeling of an existing structure that is limited to that needed to meet building occupancy and ADA requirements without expanding the building footprint, is not permanent alteration of the site.

c. That the applicable Review Authority shall continue to make a determination of what constitutes primary agricultural use and allowable secondary and incidental uses on a case by case basis in consultation with the Agriculture Department pursuant to existing Agriculture and Open Space Policy 6.

ATTACHMENT 7

This proposal is consistent with the Board of Supervisor's resolution for the Temporary Events Section 22. 30.610 interpretations:

- a. The proposal is requesting 25 events be held onsite per year. This request is in the form of a Minor Use Permit application, which is at the discretion of the Review Authority. Since the events are associated with, and supportive of, an on-going commercial agricultural operation, we would request that the temporary event permit run with the land. A condition could be added that the temporary event permit would lapse if the ag processing uses ceased to operate on the site #1
- b. Temporary Events are proposed for a limited period of time and no permanent alteration (grading or construction) of the site is proposed. Improvements were understood to be necessary in order to provide for the general health and safety of the general public and would not include any footprint expansion.

In order to ensure these safety measures it was understood that certain fire safety measures and accessibility would be required. The project includes improvements to a replacement barn structure that will provide for the safety for the general public (ADA and sprinklers). The current barn is not structurally sound for employees and public and is not efficient for ag equipment storage. The barn will be rebuilt and will enclose its walls to appropriate fire rated material, install fire sprinklers, provide proper sanitary facility, structural upgrades and ADA accessibility. Its primary purpose is to shelter tractors, ag attachments and trailers, necessary to tend to the olive orchard operation. It is proposed that 25 days of the year it may be used for temporary events. The other 340 days of the year it will be used as ag equipment storage. The barn's building footprint will not expand and is actually planned to reduce the footprint from 6,500sf to 5,450sf. The building will be re-oriented from a north-south direction to a north west/southeast direction to avoid current tree hazards and so it can better be utilized for ag access. Limit

- c. The Review Authority will evaluate this proposal, in conjunction with the Agriculture Department to determine its primary agricultural use onsite and evaluate, on a case by case basis, whether the secondary use proposed is an allowable use in relation to Ag Policy 6.

ATTACHMENT 7
Kirk Consulting
A California Corporation

Letter of Transmittal

Date: April 1, 2014
To: Holly Phipps
RE: Pasolivo DRC2013-00028-Response to Information Hold Letter

Holly,

Please find the following information as a response to your info hold letter dated November 15, 2013 for the project referenced above.

1. Overflow Parking Location- Overflow parking has been explored and there is some opportunity to include some overflow near the existing structures. All other overflow will be located behind the two ag structures as this is the area where slopes are under 10%. All other areas would be amongst the olive orchards which will not suffice. The applicant understands Right to Farm provisions and will adhere to that and can provide event information to alleviate any conflict with farming operations.
2. Permit Verification-Please find description of the three residences onsite. I have included copies from the County Assessor's office showing evidence of these structures and their corresponding building dates, as well as other structures onsite.
 - There was a single family residence with attached 3-car garage built in the late 80's- Refer to the assessor building record in reference to a +/-4,000sf residence
 - There is a smaller single family residence built in the early 1900's, known as the 'Foreman's Residence' and is slated for removal. Information on this residence is further discussed in the historic report.
 - A mobile home (circa 1986) was remodeled and moved up to the hill top in the early 2000's. The only permit referenced in the system is related to the pool: PMT2007-00024.
3. Permit Verification- same response as #2. I might also suggest that permit verification be a condition of approval prior to issuance of building permits for Phase I.
4. Winery Status-The winery is vested, see attached correspondence given from County Planning during purchase of this property. The winery and tasting room we vested. Winery special events were not vested since secondary access was not developed at the time of vesting.

ATTACHMENT 7

5. Event Types-Proposed events are temporary events permitted through a Minor Use Permit. These events are intended to be associated with the olive production facility and for expos, symposiums, weddings, culinary and art shows. Ties to the onsite olive production and its product will be showcased and utilized at these events which will enhance their direct marketing of their ag product. Outdoor amplified music is proposed for the temporary event program. An acoustical analysis was prepared and submitted with the original application. An additional hard copy is included in this response.

Exempt Events: The exempted non-profit events, so long as they comply with Section 22.30.610, are not included in the total limited event program, nor are any winery events.

The winery will continue to have the ability to participate in industry wide events, per section 22.30.070(2) i.

6. Logo- The original mural shown on the replacement barn has been removed from this application. Please refer to revised elevations (attached).
7. Olive Oil Liquid Waste Disposal- We have contacted San Luis Obispo County's Regional Water Quality Control District to verify if a permit was ever issued for vegetable processing waste and a permit could not be located. Please see attached correspondence from RWQCB. A condition of approval will need to request for the proper waste discharge permit.
8. Replacement Barn- Ag Equipment List- The following equipment is proposed to be stored in the ag replacement barn for orchard maintenance:

Replacement Barn

1. Project containers including
 - a. Imported (Italy) tin bins. These are imported 1-2 a year in volume and take up a lot of space and cannot be stacked
2. Plastic harvesting bins
3. Ag equipment, replacement parts
4. Irrigation maintenance replacement parts
5. Property event furniture

The other two barns will be used to store both dry goods, ag vehicles and machinery including.

1. Trailers
2. Trailer rv for the owners
3. 3-5 owner vehicles
4. Mule + side by side polaris
5. Property tractors
6. Mowers

* At Phase II, one of the 3,000sf ag barns is proposed for a future conversion to process and store ag products (liquids, bottled product). At Phase 2 the applicant is asking for the ability to process from off-site olives at this stage as this building meets the requirements for off-site olive processing.

Nothing can be stored and or secured in the current barn given its condition so the owners are using the houses and general property to store things currently uncovered.

ATTACHMENT 7

9. Water Use-Processing will remain unchanged. The expanded tasting room domestic use would generate about 250 gallons per day, which equates to about 91,250 gallons 0.28 ac.ft. annually. The event program-25 events with no more than 200 guests (9.24gpd/person) would generate about 46,200 gallons annually/0.14 ac.ft. annually. A total of 0.42 ac.ft. annually will be added to the existing operation.
10. High Landslide Risk Assessment-A geotechnical report is currently being prepared to assess existing soils condition for concurrent building permit plan check and to assess the landslide risk hazard.
11. Biology Report- A biological assessment is included in this response package and was prepared by Merk Associates. The proposed project activity is within an existing disturbed area and therefore minimum impacts to occur. Mitigation measures for oak tree removal, nesting birds and bats are provided in this report which reduces potential impacts to less than significant CEQA levels.
12. Arborist Report- Myself and the Christy Gabler- North Coast Engineers had a site visit with the arborist this past summer during the conceptual design phase. This meeting was important as we leaned on the arborist's expertise to identify which oak trees are in decline/poor condition and which ones have been impacted prior to the submittal (old foreman house), and further which selective few may be impacted by proposed project alone. From this information the design team was able to prepare their concept plan assuming certain oak trees would be required for removal due to condition, etc. Further after the concept plan and grading plans were prepared the arborist was able to review the plans and note impacts, source of impact and mitigation measures. This report shows that 11 oak trees are proposed for removal mainly due to condition and grading impacts associated with improved access. Tree replacement at a 4:1 ratio will be required for oak tree removal as well as 2:1 for any oak tree impacts. Please refer to the attached arborist report and tree protection plan.
13. Archeological Survey- Phase I Report An archeological phase I report has been prepared by LSA. LSA also prepared a historical assessment on the two structures proposed for removal (foreman residence and barn). Both structures were not found to be significant historical resources. Additionally, no cultural resources were discovered and mitigation measures have been recommended for potential for accidental discovery. A hard copy has been provided for your files.

"The results of the study indicate that no cultural resources that meet the CEQA definition of historical, unique archaeological resources, or human remains were identified in or adjacent to the project area. Because project-related impacts to such resources are not anticipated, further study for cultural resources is not recommended at this time. However, please see the Recommendations section for information regarding procedures that should be followed in the event of an accidental discovery of cultural resources or human remains during project activities."

adjacent
whole base

ATTACHMENT 7

14. Landowner's Statement- This response includes a completed and signed landowner statement with a copy of the property's current Williamson Act Contract.

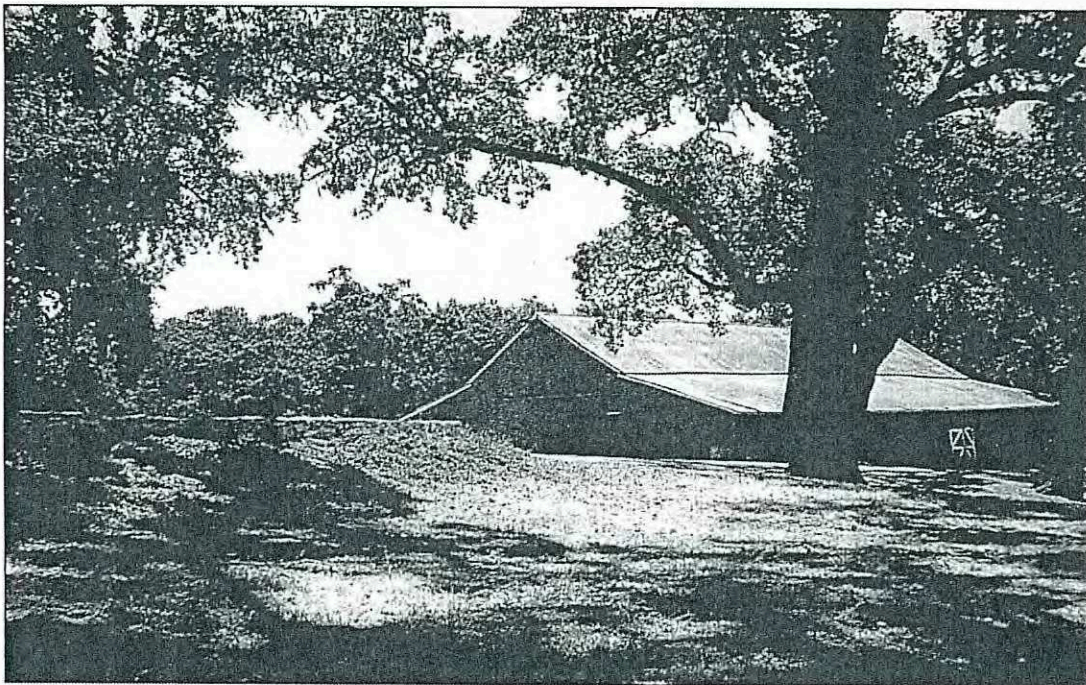
Thank you,

Mandi Pickens
Kirk Consulting

EXHIBIT P

PHASE I ARCHAEOLOGICAL SURVEY AND
HISTORICAL ASSESSMENT FOR THE
PASOLIVO PROJECT

SAN LUIS OBISPO COUNTY, CALIFORNIA



LSA

September 2013

Cover Photograph

Former Dairy Barn, 8530 Vineyard Drive (north and east façades, view to southwest).

**PHASE I ARCHAEOLOGICAL SURVEY AND
HISTORICAL ASSESSMENT FOR THE
PASOLIVO PROJECT**

SAN LUIS OBISPO COUNTY, CALIFORNIA

Submitted to:

Mandi Pickens, Senior Planner
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LSA

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ATTACHMENT 7

LSA ASSOCIATES, INC.
SEPTEMBER 2013

PHASE I ARCHAEOLOGICAL SURVEY AND HISTORICAL ASSESSMENT
FOR THE PASOLIVO PROJECT
SAN LUIS OBISPO COUNTY, CALIFORNIA

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- Appendix A: California Department of Parks and Recreation 523 Series Forms
- Appendix B: Native American Heritage Commission Correspondence
- Appendix C: Chain of Title Results

INTRODUCTION

This report documents the results of a Phase I Archaeological Survey and Historical Assessment (study) conducted by LSA Associates, Inc. (LSA), for the Pasolivo Project (project) in San Luis Obispo County. The project area comprises 7 acres within a larger 140-acre parcel owned by the Pasolivo Olive Oil Company, and is located at 8530 Vineyard Drive (APN 014-331-071), near the unincorporated community of Adelaida in the Las Tablas area of northwest San Luis Obispo County (Figures 1 and 2). The applicant proposes to demolish several existing buildings to make room for new construction and to expand their current olive production facility and tasting room.

LSA conducted records searches, a literature review, archival research, field surveys, and a California Register of Historical Resources (California Register) eligibility evaluation to prepare this study. This report addresses the requirements of the California Environmental Quality Act (CEQA) and the San Luis Obispo County General Plan Conservation and Open Space Element.

The purpose of this study is to (1) identify cultural resources that may meet the CEQA definition of a historical resource (California Public Resources Code [PRC] §21084.1), a unique archaeological resource (PRC §21083.2), or human remains and that may be impacted by the proposed project; and (2) recommend procedures for mitigating impacts to such resources, as necessary.

The study identified four built environment resources 50 years old and older in the project area on a 140-acre agricultural property known as Willow Creek Ranch: a single family residential building built circa 1900; a livestock barn, built circa 1925; the remains of a former granary, built circa 1925; and a water system feature consisting of a small dam, a small circular well (now filled), and a concrete pump pad, built circa 1950. These buildings and features were evaluated to determine if they were historically significant; however, based on background research and field observation, LSA concluded that these buildings and features were not eligible for inclusion in the California Register, either collectively or individually. No archaeological deposits were identified in the project area (Figure 3).

The results of the study indicate that no cultural resources that meet the CEQA definition of historical resources, unique archaeological resources, or human remains were identified in or adjacent to the project area. Because project-related impacts to such resources are not anticipated, further study for cultural resources is not recommended at this time.

Please see the Recommendations section for information regarding procedures that should be followed in the event of an accidental discovery of cultural resources (e.g., a buried archeological deposit) or human remains during project activities.

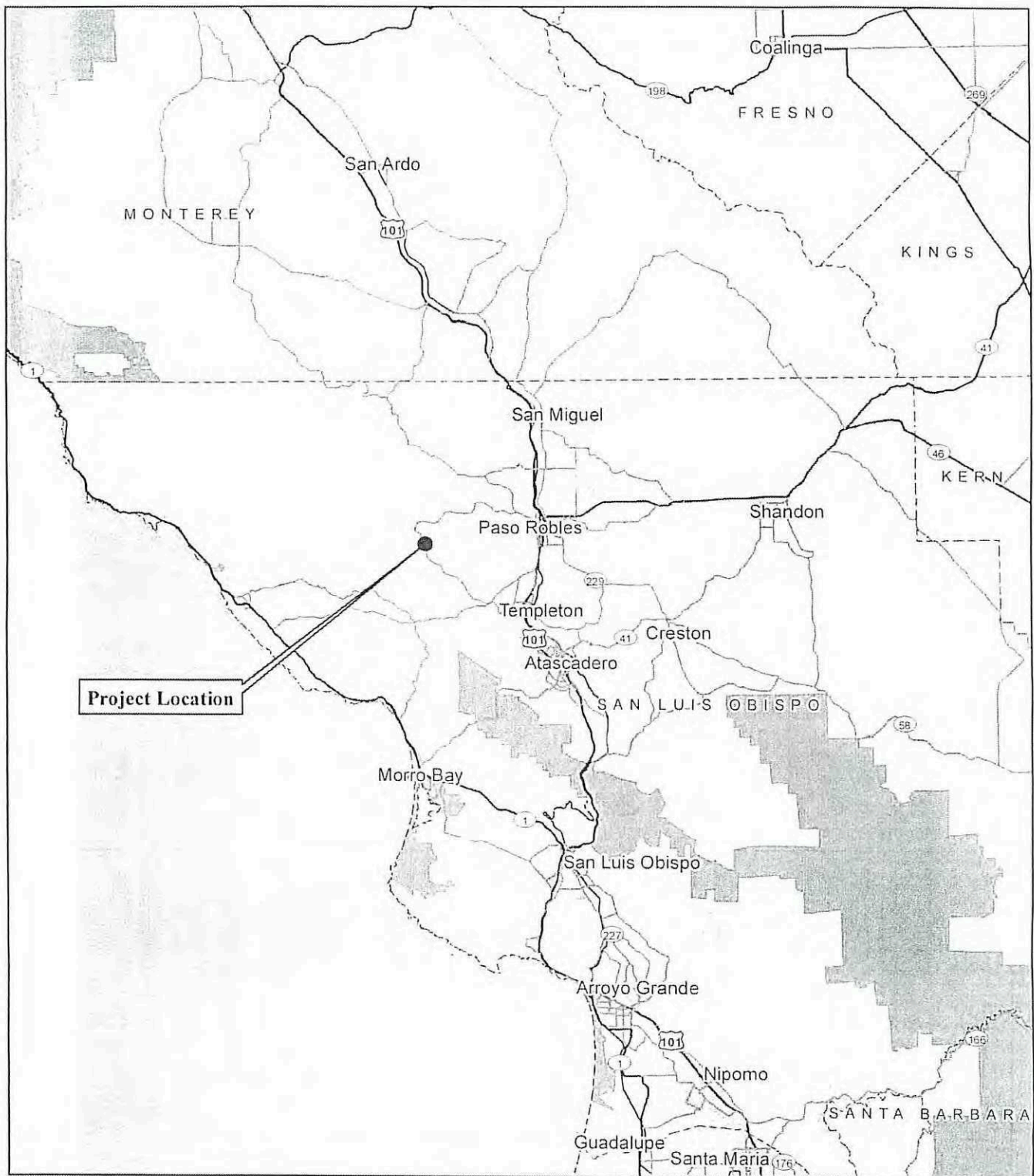
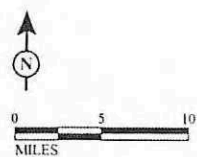


FIGURE 1

LSA

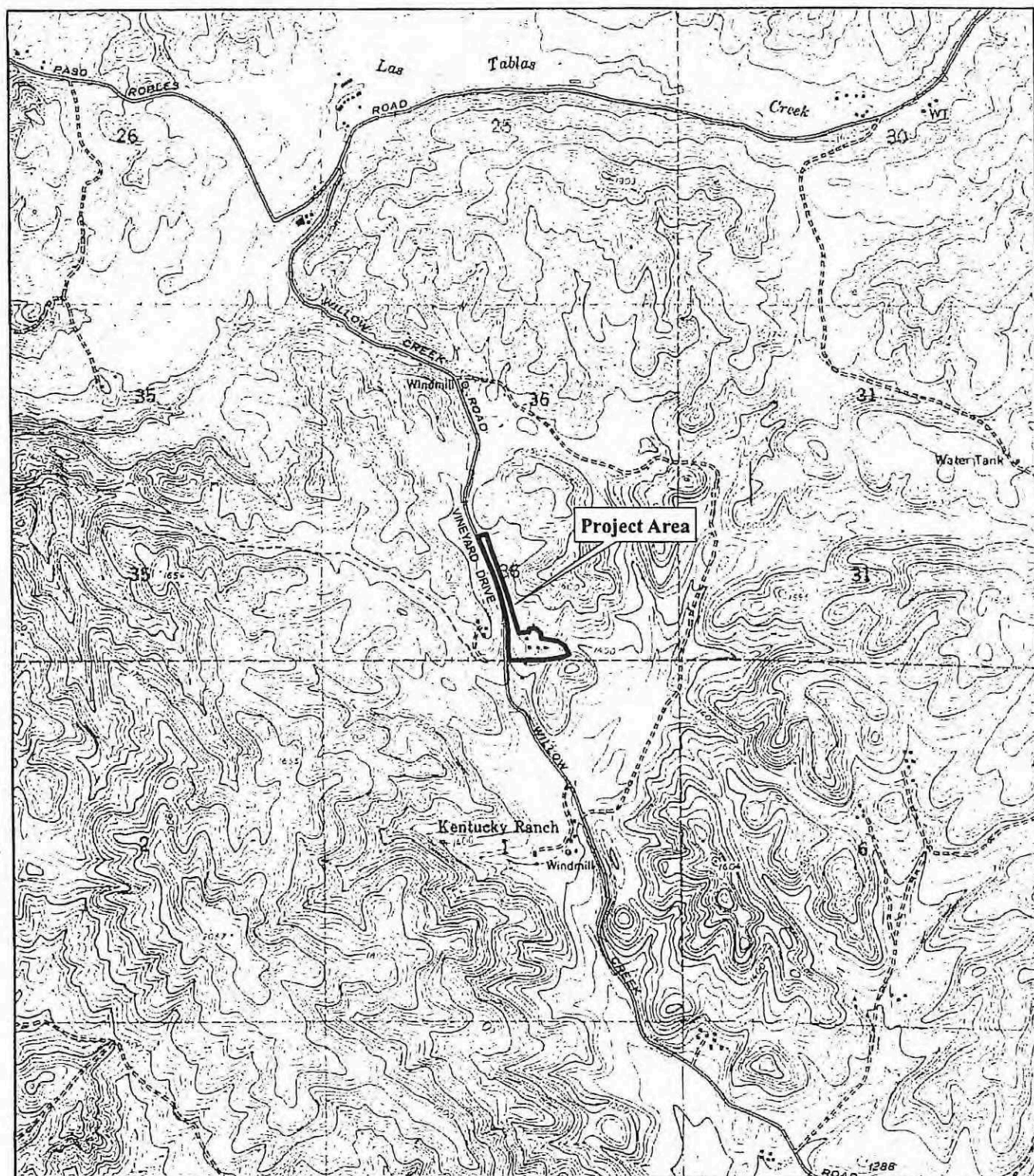


SOURCE: StreetMap North America (2009)

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*Phase I Archaeological Survey and
Historical Assessment for the Pasolivo Project,
San Luis Obispo County, California*

Project Location and Vicinity



LSA

LEGEND


 Project Area

FIGURE 2

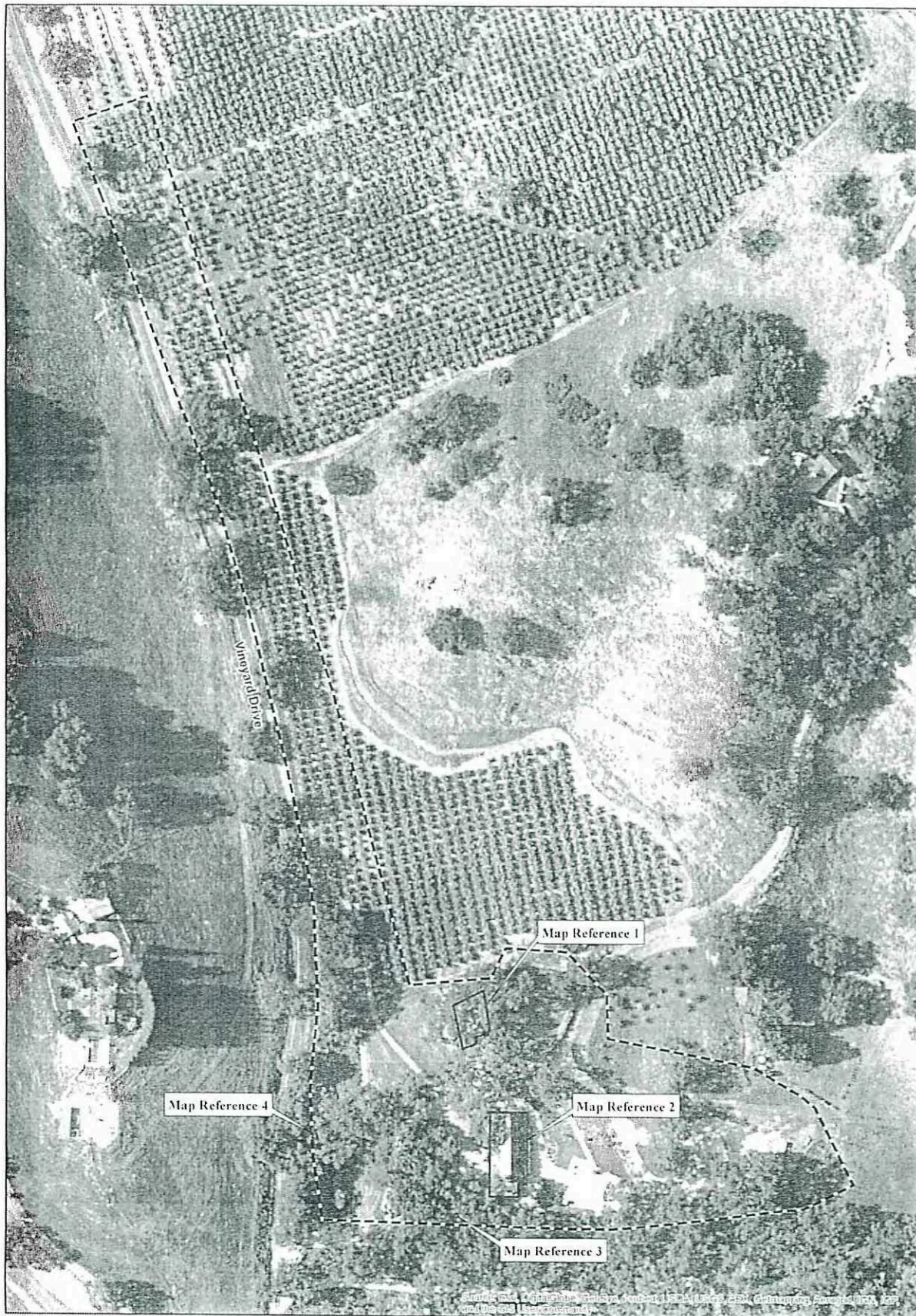


0 1000 2000
FEET

SOURCE: USGS 7.5-minute Topo Quads - York Mountain, Calif. (1979) and Adelaida, Calif. (1978).

I:\WIL1301\GIS\Maps\Cultural\Figure2_Project Area.mxd (9/6/2013)

Phase I Archaeological Survey and
Historical Assessment for the Pasolivo Project,
San Luis Obispo County, California
Project Area

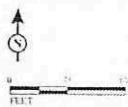


LSA

LEGEND

- Project Area
- Map Reference

Map Reference 1	Foreman's House
Map Reference 2	Barn
Map Reference 3	Granary
Map Reference 4	Dirt Well and Pump Pad



SOI 2014-1: Aerial Photo of the Project Area
 1: Will show the Map Reference locations. Please refer to the map for the locations.

FIGURE 3

Phase I Archaeological Survey and
 Historical Assessment for the Pasadita Project,
 San Luis Obispo County, California
 Resource Locations

PROJECT SETTING

PROJECT LOCATION AND DESCRIPTION

The 7-acre project area envelope is located on a larger 140-acre ranch at 8530 Vineyard Drive in Section 36, Township 26 South/Range 10 East, Mount Diablo Base Line and Meridian, as shown on the accompanying portion of the United States Geological Survey (USGS) *York Mountain, Calif.*, and *Adelaida, Calif.*, 7.5-minute topographic maps (Figure 2). The project area is in a narrow valley approximately 1,400 feet above sea level in the hills of the Santa Lucia coastal mountain range, approximately 2,000 feet west of Willow Creek. The existing land uses in the project area include a modern tasting room and olive oil mill built in 1999-2000, equipment storage in the existing barn, and a paved and landscaped parking area. Lands adjacent to the project area include oak forest and a 45-acre olive orchard owned by the Pasolivo Olive Oil Company (APN 014-331-071).

Vegetation in the project area and its vicinity consists of oak forest, annual grasses, and small riparian corridors with willow trees and poison oak. Fauna that historically inhabited the project area included black-tailed deer (*Odocoileus hemionus columbianus*), bobcat (*Lynx rufus*), black-tailed jackrabbit (*Lepus californicus*), cottontail rabbit (*Sylvilagus* spp.), black bear (*Ursus americanus*), and grizzly bear (*Ursus horribilis*), as well as other small mammals, reptiles, amphibians, and birds (Jones 2000).

The proposed project includes the removal of a residential building (referred to herein as the "Foreman's House"), a barn, and three small sheds near the barn to accommodate new construction. The new construction would include a new barn for agricultural equipment storage and event venue space, a new olive oil tasting room, three buildings for future expansion and storage space, landscaping, and parking areas with new secondary property access from Vineyard Drive. The project also includes re-use of existing olive mill and storage buildings, as well as access and parking areas.

PREHISTORY AND ETHNOGRAPHY

Ethnography

By historical accounts (Gibson 1983; Kroeber 1925), the project area was located in an area occupied by the Hokan-speaking Playanos Salinan. However, the precise location of the boundary between the Hokan-speaking Playanos Salinan and their southern neighbors, the Obispeño Chumash, is currently the subject of debate (Milliken and Johnson 2005). Jones and Waugh (1995:8) state that "those boundaries may well have fluctuated through time in response to possible shifts in economic strategies and population movement." As such, a discussion of both is provided below.

Salinan. Salinan territory at the time of Euro-American contact is estimated to have included the Pacific Coast from Lucia south to near Morro Bay, from the coast inland about 50 miles, and the Salinas River watershed from its headwaters north to Soledad (Hester 1978:501). Linguistically, Salinan is included within the Hokan stock of Native American languages, possibly the most ancient language group in California. The Salinan spoke two dialects: Antoniaño and Miguelino, spoken in the vicinity of missions San Antonio and San Miguel, respectively.

Based on San Antonio and San Miguel mission records, the population of the Salinan at the time of European contact was estimated to be between 2,000 to 3,000 persons (Kroeber 1925:547). The population was likely organized into independent land-holding entities called tribelets. Tribelets typically consisted of a principal village that was occupied year-round and smaller satellite settlements occupied by certain families or during certain seasons. In general, Salinan inland sites were situated near freshwater sources, such as along creeks, riverbanks, and flood plains. The principal village of the Miguelino was at either present-day Cholame or, possibly, at the site of Mission San Miguel (Kroeber 1925:547).

Village structures included houses, semi-subterranean sweathouses, and dancehouses, the latter of which is not described in the literature (Brusa 1992; Hester 1978; Mason 1912). Houses were quadrangular and supported by a framework of poles. Thatched bundles of tule or rye were used for the roof and the walls were made of tule. Semi-subterranean sweathouses were constructed by excavating a four-foot wide, one-foot deep hole, over which brush, deer skins, and mud was erected to form a hemispherical structure.

Technology of the Salinan included basket weaving and a wide range of tools and implements fashioned from stone (Hester 1978:501). Stone mortars and pestles were used for processing acorns and other plant food. Locally available Monterey Chert was used to make arrow points, scraping tools, knives, and choppers. Bone and shell was used to make awls and personal adornments and fishhooks.

The Salinan have been described as “completely omnivorous” (Kroeber 1925:547). Acorns were a staple food, and various seeds, roots, berries, and greens were also collected. Salinan along the coast relied heavily on a wide variety of marine resources, while those in the interior likely fished for trout and suckers in streams and for salmon in the Salinas River (Brusa 1992:23). Small animals, including snakes, rabbits, birds, and yellow-jacket larvae were consumed. Large mammals like deer, bear, and antelope also constituted an important component of the Salinan diet.

The establishment of missions San Antonio de Padua in 1771 and San Miguel in 1797 disrupted the traditional lifeways of the Salinan and resulted in precipitous population decline. Once the Salinan entered the missions, they were prohibited from pursuing their traditional lifeways. Instead, they were taught agriculture and stock-raising, and were employed at weaving (Hester 1978:503). Estimated to be between 2,000 to 3,000 individuals at the time the missions were established, the Salinan population declined to fewer than 700 by 1831 (Hester 1978:503).

Chumash. At the time of European contact, the project area was within the territory of the Hokan-speaking Playanos Salinan, who occupied the area between the coastline and the Santa Lucia and San Raphael ranges from Point Conception to Point Estero (Greenwood 1978; Kroeber 1925). Differentiation between the two groups is based upon linguistic dissimilarity rather than material or cultural variances. The village formed the primary sociopolitical unit of the Chumash, and each village had a chief who led by the authority of his inherited position. Rank and social status were apparently hereditary, at least to some degree (Kroeber 1925). Social ranking was reflected in burial practices where quantities and types of grave goods varied without regard to age or sex (Greenwood 1978).

Chumash material culture was diverse and made of a wide variety of stone, wood, plant, shell, and bone. Steatite and sandstone were used to make bowls and mortars, while chert and obsidian were used for projectile points and other flaked stone tools. Wood was used for bowls and mortars, as well as digging tools and bows, and for the construction of canoes. The plank canoes for which the Channel Chumash were famous apparently were not used in the heavier seas north of Point Conception (Greenwood 1978; Kroeber 1925). Rush (*Juncus sp.*) was the preferred material for basketry, which included storage baskets, hopper mortar components, hats, seed beaters, winnowing trays, and large tule mats. Bone and shell were used for a variety of items, including beads, fish hooks, pries, awls, pins, whistles, and wedges. Discs of Pismo clam (*Tivela stultorum*) shell were strung and used as money (Grant 1978; Kroeber 1925).

Environmental conditions along the coast north of Point Conception resulted in a habitat abundant with a diversity of exploitable resources. Chumash subsistence was based on the seasonal exploitation of various resources available along the coast and in the hills to the east. Acorns and other plant products provided the bulk of the food, but considerable use of land animal resources and marine resources also took place. Fish and sea mammals were utilized along with shellfish and other invertebrates (Greenwood 1978; Kroeber 1925).

By 1772, Spanish expeditions along the coast and the establishment of the Spanish mission system had contributed to the rapid disappearance of the native inhabitants. The Salinan and Chumash were pressed into service by the Spanish authorities, and introduced diseases claimed thousands of lives and destroyed entire Chumash communities.

LEGISLATIVE AND REGULATORY CONTEXTS

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

CEQA applies to all discretionary projects undertaken or subject to approval by the state's public agencies (California Code of Regulations [CCR] Title 14(3) §15002(i)). Under the provisions of CEQA, "A project with an effect that may cause a substantial adverse change in the significance of a historical resource is a project that may have a significant effect on the environment" (CCR Title 14(3) §15064.5(b)).

CEQA §15064.5(a) defines a "historical resource" as a resource which meets one or more of the following criteria:

- Listed in, or eligible for listing in, the California Register of Historical Resources;
- Listed in a local register of historical resources (as defined at PRC §5020.1(k));
- Identified as significant in a historical resource survey meeting the requirements of §5024.1(g) of the Public Resources Code; or
- Determined to be a historical resource by a project's lead agency (CCR Title 14(3) §15064.5(a)).

A historical resource consists of "Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California...Generally, a resource shall be considered by the lead agency to be 'historically significant' if the resource meets the criteria for listing in the California Register of Historical Resources" (CCR Title 14(3) §15064.5(a)(3)).

If the cultural resource in question is an archaeological site, CEQA (CCR Title 14(3) §15064.5(c)(1)) requires that the lead agency first determine if the site is a historical resource as defined in CCR Title 14(3) §15064.5(a). If the site qualifies as a historical resource, potential adverse impacts must be considered in the same manner as a historical resource (California Office of Historic Preservation 2001a:8). If the archaeological site does not qualify as a historical resource but does qualify as a unique archaeological site, then the archaeological site is treated in accordance with PRC §21083.2 (CCR Title 14(3) §15069.5(c)(3)). In practice, most archaeological sites that meet the definition of a unique archaeological resource will also meet the definition of a historical resource (Bass, Herson, and Bogdan 1999:105). CEQA defines a "unique archaeological resource" as an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets one or more of the following criteria:

- Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information; or

- has a special and particular quality such as being the oldest of its type or the best available example of its type; or
- is directly associated with a scientifically recognized important prehistoric or historic event or person (PRC §21083.2(g)).

CEQA requires that historical resources and unique archaeological resources be taken into consideration during the CEQA planning process (CCR Title 14(3) §15064.5; PRC §21083.2). If feasible, adverse effects to the significance of historical resources must be avoided, or the effects mitigated (CCR Title 14(3) §15064.5(b)(4)). The significance of a historical resource is impaired when a project demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its eligibility for the California Register of Historical Resources. If there is a substantial adverse change in the significance of a historical resource, the preparation of an environmental impact report may be required (CCR Title 14(3) §15065(a)).

If an impact to a historical or archaeological resource is significant, CEQA requires feasible measures to minimize the impact (CCR Title 14(3) §15126.4 (a)(1)). Mitigation of significant impacts must lessen or eliminate the physical impact that the project will have on the resource. Generally, the use of drawings, photographs, and/or displays does not mitigate the physical impact on the environment caused by demolition or destruction of a historical resource. However, CEQA requires that all feasible mitigation be undertaken even if it does not mitigate impacts to a less than significant level (California Office of Historic Preservation 2001a:9; see also CCR Title 14(3) §15126.4(a)(1)).

California Register of Historical Resources

Section 5024.1 of the PRC established the California Register of Historical Resources (California Register). Generally, a resource is considered by the lead agency to be 'historically significant' if the resource meets the criteria for listing on the California Register (CCR Title 14(3) § 15064.5(a)(3)). For a cultural resource to qualify for listing in the California Register it must be significant under one or more of the following criteria:

- Criterion 1:* Associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
- Criterion 2:* Associated with the lives of persons important in our past;
- Criterion 3:* Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
- Criterion 4:* Has yielded, or may be likely to yield, information important in prehistory or history.

In addition to being significant under one or more of these criteria, a resource must retain enough of its historic character and appearance to be recognizable as an historical resource and be able to convey the reasons for its significance (CCR Title 14 Section 4852(c)). Generally, a cultural resource must be 50 years or older to be eligible for the California Register.

SAN LUIS OBISPO COUNTY GENERAL PLAN

The San Luis County General Plan, Conservation and Open Space Element, Section 4 (2010), states that the County has established four goals to identify and protect cultural and historical resources:

1. The County will have a strong, positive community image that honors our history and cultural diversity
2. The County will promote public awareness and support for the preservation of cultural resources in order to maintain the county's uniqueness and promote economic vitality.
3. The County's historical resources will be preserved and protected.
4. The County's known and potential Native American, archaeological, and paleontological resources will be preserved and protected.

CALIFORNIA PUBLIC RESOURCES CODE §5097.5

California Public Resources Code §5097.5 prohibits excavation or removal of any "vertebrate paleontological site...or any other archaeological, paleontological or historical feature, situated on public lands, except with express permission of the public agency having jurisdiction over such lands." Public lands are defined to include lands owned by or under the jurisdiction of the state or any city, county, district, authority or public corporation, or any agency thereof. Section 5097.5 states that any unauthorized disturbance or removal of archaeological, historical, or paleontological materials or sites located on public lands is a misdemeanor.

CALIFORNIA HEALTH AND SAFETY CODE §7050.5

Section 7050.5 of the California Health and Safety Code states that in the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the remains are discovered has determined whether or not the remains are subject to the coroner's authority. If the human remains are of Native American origin, the coroner must notify the Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission will identify a Native American Most Likely Descendant to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods.

METHODS

LSA conducted records searches, a literature review, archival research, field surveys, and a California Register eligibility evaluation to prepare this study. Each task is described below.

RECORDS SEARCHES

Central Coast Information Center

A records search (File No. 5894) of the project area and a half-mile radius was conducted on August 5, 2013, by staff of the Central Coast Information Center (CCIC) of the California Historical Resources Information System, University of California, Santa Barbara. The CCIC, an affiliate of the State of California Office of Historic Preservation, is the official state repository of cultural resource records and reports for San Luis Obispo County.

As part of the records search, LSA also reviewed the following State of California inventories for cultural resources in and adjacent to the project area:

- *California Inventory of Historic Resources* (California Department of Parks and Recreation 1976);
- *Five Views: An Ethnic Historic Site Survey for California* (California Office of Historic Preservation 1988);
- *California Historical Landmarks* (California Office of Historic Preservation 1996);
- *California Points of Historical Interest* (California Office of Historic Preservation 1992); and
- *Directory of Properties in the Historic Property Data File* (California Office of Historic Preservation April 5, 2012). The directory includes the listings of the National Register of Historic Places, National Historic Landmarks, the California Register of Historical Resources, California Historical Landmarks, and California Points of Historical Interest.

Native American Heritage Commission

On August 1, 2013, LSA faxed a letter describing the project and a map depicting the project area to the Native American Heritage Commission (NAHC) in Sacramento requesting a review of their Sacred Lands File for any Native American cultural resources that might be affected by the proposed project. The NAHC is the official state repository of Native American sacred site location records in California. Also requested were the names of Native Americans who might have information or concerns about the project area. A letter describing the project with maps depicting the project area was mailed to each individual Native American contact listed by the NAHC.

LITERATURE REVIEW

LSA reviewed the following publications, maps, and websites for historical information about the project area and its vicinity:

- *California Place Names* (Gudde 1998);
- *Historic Spots in California* (Hoover et al. 1990);
- *California 1850: A Snapshot in Time* (Marschner 2000);
- *Historical Atlas of California* (Hayes 2007);
- *Adelaida, Calif.*, 15-minute topographic quadrangle (USGS 1919, 1932, 1947);
- *York Mountain.*, 7.5-minute topographic quadrangle (USGS 1948, 1948);
- *Aerial Photography Collections*, University of California, Santa Barbara Library, (1937, 1949, 1956, 1963, 1969) <<http://www.library.ucsb.edu/map-imagery-lab/collections-aerial-photography>>
- *Online Archive of California* at <<http://www.oac.cdlib.org>>; and
- *Calisphere* at <http://www.calisphere.universityofcalifornia.edu>.

ARCHIVAL RESEARCH

On August 15, 2013, LSA architectural historian Michael Hibma conducted project area-specific archival research at the North County Branch offices of the San Luis Obispo County Assessor and the San Luis Obispo County Clerk-Recorder in Atascadero. Materials reviewed included property assessment records and chain of title information. On August 16, 2013, Mr. Hibma conducted research at the California History Collections of the University Archives Special Collections Department at the California Polytechnic State University, San Luis Obispo; the Family Law Division of the San Luis Obispo County Superior Court; and the San Luis Obispo County History Resource Center in downtown San Luis Obispo. Materials reviewed at these facilities included additional chain of title documentation, historical maps, local history publications, county directories, and newspaper articles. Online research of historical aerial photographs was also conducted. Research was done to identify previous owners of the project area, as well as gather information about past land use patterns and the development of the project area's built environment.

FIELD SURVEYS

On August 15, 2013, LSA architectural historian Michael Hibma, M.A., conducted an architectural field survey of the project area. Mr. Hibma observed the design, materials, and construction methods of the built environment features of the project area, including the Foreman's House; the barn; the remains of a granary structure; and a water system consisting of a dry-laid field stone dam, a small well, and a raised, rectangular concrete pump pad formerly used to mount an electric motor. Each building and feature was photographed, documented in field notes, and recorded on appropriate State of California Department of Parks and Recreation (DPR) 523 Series forms. Mr. Hibma reviewed and photographed the adjacent grounds and conducted a windshield survey along Vineyard Drive to obtain contextual information about the surrounding architectural styles and land uses. Mr. Hibma

also spoke with Ms. Cheryl Wiczorek, General Manager of the Pasolivo Olive Oil Company, regarding the history of the property, alterations to the buildings, and past land uses.

On August 15, 2013, LSA archaeologist Leroy Laurie, B.S., conducted an archaeological field survey of the project area. Mr. Laurie surveyed the entire 7-acre project area with pedestrian transects spaced less than 32 feet apart. Aside from the building footprints, ground visibility was excellent (80%-100%). Mr. Laurie inspected all exposed areas for prehistoric cultural materials (e.g. stone tools and lithic debitage, ground stone), historic artifacts (e.g., metal, glass, ceramics), and soil discoloration that might indicate the presence of an archaeological midden. The survey was documented with notes, maps, and photographs.

ELIGIBILITY EVALAUTIONS

LSA conducted a California Register eligibility evaluation of the built environment resources identified in the project area. The purpose of the evaluation was to determine if any of the resources were eligible, either individually or collectively, for inclusion in the California Register. This was done by preparing a historic context of the project area, which provided the framework within which the project area resources were evaluated under the California Register significance criteria. If any resources were determined to be significant under any of the criteria, then the integrity of these resources (i.e., their ability to convey their significance) was assessed based on the results of the archival research and field survey.

ELIGIBILITY EVALUATIONS

This section presents the historical and architectural context of the project area, followed by a resource description and application of the California Register significance criteria. Based on background research and field survey results, the historical land use patterns in the project area are best understood within the themes of settlement, transportation, and agriculture. As described in *National Register Bulletin 15*,¹ these themes serve as the framework within which significance criteria are applied to evaluate built environment resources in the project area that are 50 years old or older (National Park Service 1997:7-10).

The overview below summarizes the historic contexts of settlement, transportation, and agriculture in and around the project area, as well as provides a descriptive typology of the common architectural styles associated with the contexts.

HISTORIC CONTEXT²

Settlement

The earliest European contact in the region took place during the voyages of Juan Rodriquez Cabrillo, whose ships followed the coast of California as far north as Mendocino in 1542. The coastline became a regular route for the Manila galleons crossing the Pacific (Beck and Haase 1977). The first Europeans to actually traverse the area were members of Gaspar de Portolá's land expedition in 1769. Systematic settlement of the area began in 1795, when Franciscan Father Buenaventura Sitjar of Mission San Antonio and a group of soldiers investigated potential locations for a new mission site between missions San Luis Obispo and San Antonio. Two years later, a location near the Salinas River with ample water for irrigation and ready supply of building materials was selected and Mission San Miguel Arcángel was established July 25, 1797 (Krell, et. al. 1964:254; Abeloe, Hoover Rensch, and Rensch 1966:381-382). To make the new mission self-sufficient, 14 leagues of land (approximately 62,000 acres) were granted in trust and used to raise crops and graze cattle (Ohles 2013).

Mission San Miguel dominated early land use and local settlement patterns until the 1830s when its extensive lands were repossessed under the secularization law passed by the Mexican government. Recognizing that mission lands and buildings were held in simple trust for the King of Spain, governors of newly independent Mexico began dispensing large tracts of former mission land to military veterans, political supporters, and settlers. Ranchos near the project area include El Paso de Robles, Asunción, and San Geronimo, which were granted in the mid-1840s following the dissolution of Mission San Miguel (USGS 1919; Marschner 2000:84-88).

¹ National Park Service guidance is applied here based on the similarities between the National Register of Historic Places and the California Register.

² Unless noted, this section is adapted from Bertrando 2005.

Adelaida/Las Tablas. In an 1833 report to Mexican Governor José María de Echeandía describing the holdings, population, and assets of Mission San Miguel, Father Juan Cabot stated that the lands west from the mission to the coast “. . . consist almost entirely of mountain ridges, devoid of permanent water. For this reason that region is not occupied until one reaches the coast where the Mission has a house of adobe.” To the south, mission lands were primarily used as pasturage for sheep and horses. Ranchos Paso de Robles and Asunción cultivated winter wheat and barley. However, the area lacked a steady water supply, which prevented more aggressive agricultural development (Abeloe, Hoover Rensch, and Rensch 1966:382). These hilly, lime-rich lands between Paso Robles and the Santa Lucia Range were known as Las Tablas, translated as “The Tables.” The area was roughly bounded by the Nacimiento River on the north, the headwaters of Jack and Santa Rosa creeks on the south, the Santa Lucian foothills on the east, and the Pacific Ocean on the west (MacGillivray 1995:4).

Many early settlers in Las Tablas were from Cambria or San Simeon. During the 1870s, these and other families rushed into the Adelaida area to homestead 160 acres or work the cinnabar mines (Bryan 1983). In 1877, the name was changed from “Las Tablas” to “Adelaida” and a post office was established. Soon, Adelaida supported six schools, three churches, two dance halls, two stores, and a population of approximately 700 people growing grain, orchard crops, cultivating vineyards, cutting lumber, and mining (MacGillivray 1995:91). The cinnabar mined from the nearby hills was processed into quicksilver used to chemically extract trace gold from ore crushed in hard-rock mining operations. The mines were the economic engine for the area, and the development of tenant and small-scale farming was in response to fulfilling the needs of the miners. In spite of successful harvests and lucrative mines, life in this rural area was hard. Disease, famine, fire, murder, and suicide took their toll on the population. The 1880 census for the Adelaida area shows that of a total population of 500, half were children and a handful of people over 60 (Bryan 1983).

The decline of Adelaida began in 1886 with the Southern Pacific Railroad’s arrival (SPRR) in Paso Robles, quickly making the community the primary center for business and regional transportation hub. The need for a maritime-based transportation route quickly declined as business shifted from coastal access at Cambria via Adelaida to inland routes serviced by the SPRR. As a result, most of the 180 homesteads settled in the 1870s were sold off to wealthy individuals who, in turn, consolidated them into large ranches (MacGillivray 1995:91).

Transportation

Las Tablas contained the main transportation route between the coast at Cambria, Mission San Miguel, and the southern Salinas Valley (MacGillivray 1995:154; Christian 2002:91). A written description of this area by U.S. Army Lieutenant George Derby during an 1849 reconnaissance mission to explore mountain passes between San Miguel and Santa Margarita stated that the road appeared seldom traveled, “. . . although it crosses two very declivitous hills [it] may be made a wagon road [...] of importance.” The development of roads became more important after the discovery of cinnabar in 1863, and many rural landowners clamored for reliable roads. In 1875, the newly-formed Cambria-Paso Robles Wagon Road Company responded to this need and surveyed and secured the right of way for a road connecting Las Tablas with the coast at Cambria.

Agriculture

While transportation was an initial incentive for the development of Adelaida/Las Tablas area, the region's lucrative agricultural activity sustained economic growth in its development.

Wheat/Grain. After the Gold Rush, wheat cultivation became California's next economic boom. Beginning in 1860 and continuing through the 1880s, wheat cultivation surged as the commodity proved to be an ideal cash crop for rural California communities such as the Adelaida area, primarily due to the efficiency of dry farming (Stoll 1998:26-27). The lands proved rich, and during the 1886 wheat harvest, one ranch brought in 195 tons of sacked grain (*The Tribune* 1961). When supply outpaced demand by miners for bread, surplus wheat was sacked for export via railroad to ports on the coast; Great Britain was an important destination for this surplus as the nation incentivized wheat exports by relaxing tariffs on foodstuffs from California. By 1868, California was exporting a third of the nation's wheat crop; within ten years, more than 2.5-million acres were under cultivation (Williams 1997:47-49). Other grains such as oats, barley, corn and peanuts were also exported.

Dairy and Specialized Crops. The wheat boom ended in the 1890s, as overproduction led to a price collapse of over 50 percent. Having overextended themselves by borrowing and speculating heavily in harvest yields, the now-helpless growers watched as many were bankrupted (Vaught 2007:203-205). Compounding the problem was the onset of a worldwide economic depression in 1893 sparked by a collapse in railroad financing and widespread bank failures (Orsi 2005:216-217). The division of grain farms into smaller tracts in the 1880s was facilitated by the collapse in wheat farming, the simultaneous agitation for developing an irrigation system, and by San Francisco-based speculators purchasing large tracts of land from bankrupt wheat growers for ranches, orchard crops and vineyards. In northwest San Luis Obispo County, irrigation via ground water pumping eased the transition from large-scale monocrop economy to a more sustainable, diversified cultivation of orchards, grapes, melons, and other water-intensive crops. The dairy industry also benefitted as the region shifted away from wheat (Caltrans 2000:38-48).

In the countryside, farms beyond the reach of irrigation canals irrigated their crops with ground water pumped to the surface using cheap electricity. In northwest San Luis Obispo County, the low water table made water harder to retrieve than other area. Some farmers used various methods to retrieve and store ground water for irrigation. Methods developed included gravity-fed water stored in tank houses or surface storage "surge" reservoirs, or under pressure from sophisticated pumps supplying water directly to field irrigation systems. The arrival of electrical power transformed the countryside by making pumping ground water a practical solution to growing water-intensive crops (Williams 1997:224-236). The growth in ground water pumping and electrical development allowed rural areas in California like Adelaida to shift from wheat and dairy production to growing walnuts, grapes, and almonds.

Project Area Land Ownership, Tenancy, and Development Arc

Willow Creek Ranch. According to USGS maps and chain of title information, the project area and vicinity remained undeveloped until the early 1900s. Modern Vineyard Drive was known then as Willow Creek Road. One building was located in the project area, presumably a residence for a ranch foreman. Overall, the project vicinity was sparsely settled with only a few improved roads connecting the various outlying ranches. Two smaller communities, German Church and Summit School, are depicted near the crossroads of Willow Creek, Peachy Canyon, and Dover Canyon roads, southeast of

the project area (USGS 1919, 1932). A 1937 aerial photograph depicts the project area located in an oak grove. Vineyard Drive/Willow Creek Road is faintly seen. Most of the lands are uncultivated with some orchards depicted (USDA 1937).

By in the mid-to-late 1940s, Willow Creek Road (which would become Vineyard Drive) was an improved, all-season road. The project area is depicted fully built out, with a cluster of six buildings roughly arranged in a "V" pattern pointing to the southwest; according to Assessor records, this complex of buildings constituted the built environment of Willow Creek Ranch. Assessor records indicate these buildings and structures, including the surviving barn, granary, and dam, well, and pump pad feature, were used as part of a dairy operation. These records describe the buildings, structures, and objects as "Milk Room," "Corral," "Fence," "Barn," "Tank and Tower," "Granary," "Shed," and "Impshed" (Implement Shed). Another smaller cluster of three buildings is located across Vineyard Drive (USGS 1947, 1948, 1979; San Luis Obispo County Assessor 1948). Aerial photographs taken in 1949, 1956, 1963, and 1969 show a continuity of land use patterns in and adjacent to the project area between 1937 and 1969. Varying image quality and poor location references on the photographs rendered them of limited use for research purposes (USDA 1949, 1956, 1963, 1969).

Chain of title information indicated that lands containing the project area were first part of a 2,560-acre Government Land Office land patent filing by the State of California in 1861. A portion of this land patent containing the project area was sold in 1887 by the state to Fredrick Huffaker who sold the property five years later to a Cambria-based business man and minor county official Robert Pollard. Failing in health, Pollard sold the land to his wife in 1895 who sold it a year later.

Around 1900, land containing the project area was part of an oil exploration lease held between the San Luis Oil Development Company and the San Luis Obispo County bank. In 1902, the oil lease expired and the bank sold 720 acres of land which contained the project area to Los Angeles-based glass and pottery salesman G.F. Bell. Over the next 24 years the parcel containing the project area grew to cover over 1,000 acres.

In 1926, Maurice Ayers sold the parcel to Hans Hendrickson, who promptly granted the land to the Hendrickson Ranch Company Inc. In 1933, presumably following foreclosure brought about by the Great Depression, Security First National Bank of Los Angeles sold the land to Erasmus B. Young. The following year, Young died in Los Angeles and his estate granted the land to his wife, Leone Guth Young. Within a year, Leone sold to Homer G. Tate who farmed the land for nine years. No record was located documenting Tate selling the land.

In 1946, Johannes and Mildred Thiele sold the land containing the project area to King Vidor, a prominent figure in early Hollywood. Over his 70 year career, Vidor produced, directed, and wrote over 60 feature films. His work spanned the era of the silent film to the "talkies" (Starr 1997:248, 275, 278, Wikipedia 2013). According to his daughter, Suzanne Vidor Parry, Vidor lived "... in at least a dozen local boardinghouses, apartments and mansions," including residences in Beverley Hills and Hollywood (Kanner 1987). Perhaps seeking a quiet, rural area to relax, he first started assembling his approximately 1,500-acre estate in the 1940s and was still expanding it when he acquired lands containing Willow Creek Ranch in 1946. In 1982, Vidor passed away, and the next year Vidor's estate sold Willow Creek Ranch to Karen Guth (no identified relation to Leonie Guth Young) and

Charles Applebaum. At the point of that sale, Willow Creek Ranch comprised 140 acres, including the current 7-acre project area.

Ms. Guth and her son Joshua Yagunda began to press olives, planted a 45-acre olive orchard, and began Pasolivo Olive Oil Company in 2000 (Budge 2002; Stevens 2000). Around the time Pasolivo opened, other farmers began to plant olive orchards in the Las Tablas/Adelaida area. By the mid-1990s, "... more than 7,000 Italian olive trees have gone into orchards in the North and South County" (Mariani 1998).

In 2009, Guth and her son Joshua Yaguda were sentenced to 12 years in state prison for defrauding real estate investors. Three years later, , creditors liquidating Guth's assets sold Pasolivo Olive Oil and land containing the project area to the Troy Group, a Costa Mesa-based manufacturing the product development company (Johnston 2009; BusinessWire 2012).

Present Day. Beginning in the 1980s, the Adelaida area was slowly being rediscovered and populated by wealthy individuals and families from urban areas who liked the climate and rural character of the area. In spite of the rapid growth of residential development in northwest San Luis Obispo County over the last 30 years, agriculture remains an economic force. Top-ranking commodities include nursery products, cattle, and timber. In addition to olive oil, numerous other specialty or niche agricultural products are also cultivated, including wine grapes, walnuts, and honey.

ARCHITECTURAL CONTEXT

Architecture in the project area parallels trends elsewhere in San Luis Obispo County and California during the 20th century. This section describes the prevalent type of architecture found in the project area and vicinity in terms of design, form, materials, and construction methods (Caltrans 2007:145-148).

Vernacular

A useful approach to understanding Vernacular style is by defining what it is not. That is, Vernacular architecture is not overly formal or monumental in nature, but rather is represented by relatively unadorned construction that is not designed by a professional architect. Vernacular architecture is the commonplace or ordinary building stock that is built for meeting a practical purpose with a minimal amount of flourish or otherwise traditional or ethnic influences (Upton and Vlach 1986:xv-xxi, 426-432). Typically associated with older, hand-built rural buildings in remote or rural setting, Vernacular architecture can also include modern, pre-fabricated, general purpose steel buildings used as shop space, warehouses, discount-clearance centers and many other uses (Gottfried and Jennings 2009:9-16).

RESOURCE DESCRIPTIONS AND APPLICATION OF SIGNIFICANCE CRITERIA

This section (1) provides a brief description of the resources in the project area identified during the archival research and architectural field survey; and (2) evaluates the eligibility of these resources for

inclusion in the California Register. The resources were analyzed collectively to determine their suitability for evaluation and recordation as a historic district. However, because many contributing built environment elements that once made up the dairy complex were demolished or altered significantly since 1948, the resources collectively did not possess an adequate linkage or continuity of association that would sustain a meaningful consideration as a historic district. Therefore, the resources were considered individually through recordation and evaluation (Figure 3: Map References 1-4). Please see Appendix A for DPR records for each resource.

Foreman's House

The Foreman's House is a single-story, "I"-shaped, wood-framed, 1,196-square-foot Vernacular-styled building located approximately 300 feet to the east of Vineyard Drive (Figure 3: Map Reference 1; Appendix A). The building was constructed circa 1900 according to information from San Luis County Assessor records, architectural characteristics, and historical USGS topographic maps. The character-defining features of this building include: a low-pitched, covered by a parallel-hipped, wooden wall cladding, and an overall simple, utilitarian design. The main entrance consists of a replacement wooden door that is accessed at the far left of the asymmetrical, south-facing façade under a shed-roofed porch. Alterations to the building consist of various replacement wood siding on all façades and window replacements of various types and sizes including (aluminum-framed sliders, double-hung vinyl-sashes, and large, fixed-paned picture frames). According to Pasolivo General Manager Ms. Cheryl Wieczorek, the residence was originally used as the residence of the Willow Creek Ranch foreman or overseer. Landscaping elements include a fieldstone-lined walkway, flower beds, a graded seating area paved in fieldstone, and several mature oak trees. This building is currently vacant and in fair condition.

Criterion 1: Is it associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage?

Research indicates that although the Foreman's House is associated with a pattern of events that has been significant in local history (agricultural development in the Adelaida area), the Foreman's House does not have an important specific association with that pattern of events.

Criterion 2: Is it associated with the lives of persons important in our past?

Research did indicate that the Foreman's House is located on a portion of the larger ranch that was once owned by King Vidor, an early Hollywood producer, director, and screenwriter. Vidor's ranch, at the height of its geographic extent, comprised approximately 1,500 acres, of which the project area was a small part (7 acres). Research did not indicate that Vidor resided in the Foreman's House, or that it served as part of an administrative or operational headquarters for his ranch. The Foreman's House appears to be part of a satellite complex associated with the day-to-day operation of the Willow Creek Ranch, and it is not associated with his productive life as a prominent Hollywood director, producer, and writer.

Criterion 3: Does it embody the distinctive characteristics of a type, period, region, or method of construction, or represent the work of an important creative individual, or possess high artistic values?

The Foreman's House possesses the general characteristics of Vernacular style architecture, an architectural style well represented in the existing building stock of northwest San Luis Obispo

County and the Central Coast. Research and field observations indicate that it reflects a design and use of materials that is indicative of a carpenter and not an architect. The utilitarian approach the design and configuration indicates that this building was used as basic housing for individuals who spent most of their time outside; as such, the Foreman's House does not represent the work of an important creative individual or possesses high artistic value.

Criterion 4: Has it yielded, or may it be likely to yield, information important in prehistory or history?

The Vernacular style has been well documented in architectural literature, which has been extensively published and is widely available. For this reason, additional study of the Foreman's House would not be likely to yield information important to history.

Integrity Assessment. Due to a lack of historical significance, an integrity assessment of the Foreman's House integrity was not required.

Eligibility Conclusion. Due to a lack of historical significance, the Foreman's House does not appear eligible for inclusion in the California Register, nor does it qualify as a historical resource for the purposes of CEQA.

Barn

The resource consists of a rectangular, 6,500-square-foot, wood-framed barn with the two-story central section flanked by single story, shed-roofed cribs on the east and west façades located approximately 350 feet to the east of Vineyard Drive (Figure 3: Map Reference 2; Appendix A). It is covered by a medium-pitched, end-gabled roof. The walls are clad with vertical boards and a roller-door on the north façade. The barn is currently used for equipment storage. This barn was constructed circa 1925 based on information from San Luis County Assessor records, architectural characteristics, and historical USGS topographic maps. The barn was originally used to feed and house livestock of the Willow Creek Ranch and possesses the basic, utilitarian design common to agricultural buildings. The barn was heavily damaged during the San Simeon Earthquake of December 2002; following the earthquake, the barn's entire superstructure was rebuilt with lodge poles set in circular concrete supports. The former hay loft was removed and most of the eastern crib was enclosed and is used to store equipment, tools, and pesticides. A shed-roofed addition is located on the south façade. An inspection of the barn interior identified a wooden sign that states "Willow Creek Ranch." The barn is in good condition.

Criterion 1: Is it associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage?

Research indicates that although the barn is associated with a pattern of events that has been significant in local history (agricultural development in the Adelaida area), the barn does not have an important specific association with that pattern of events.

Criterion 2: Is it associated with the lives of persons important in our past?

Research did indicate that the barn is located on a portion of the larger ranch that was once owned by King Vidor, an early Hollywood producer, director, and screenwriter. Vidor's ranch, at the height of its geographic extent, comprised approximately 1,500 acres, of which the project area was a small part (7 acres). Research did not indicate that Vidor built the barn, or that it served as

part of an administrative or operational headquarters for his ranch. The barn appears to be part of a satellite complex associated with the day-to-day operation of the Willow Creek Ranch, and it is not associated with his productive life as a prominent Hollywood director, producer, and writer.

Criterion 3: Does it embody the distinctive characteristics of a type, period, region, or method of construction, or represent the work of an important creative individual, or possess high artistic values?

The barn possesses the general characteristics of a utilitarian design, a style well represented in the existing building stock of northwest San Luis Obispo County and the Central Coast. Research and field observations indicate that it reflects a design and use of materials that is indicative of a carpenter and not an architect. The utilitarian approach the design and configuration indicates that this barn was used as a multi-purpose building to house or contain a variety of typical agricultural operations; as such, the barn does not represent the work of an important creative individual or possesses high artistic value.

Criterion 4: Has it yielded, or may it be likely to yield, information important in prehistory or history?

The utilitarian design has been well documented in agricultural literature, which has been extensively published and is widely available. For this reason, additional study of the barn would not be likely to yield information important to history.

Integrity Assessment. Due to a lack of historical significance, an integrity assessment of the Foreman's House integrity was not required.

Eligibility Conclusion. Due to a lack of historical significance, the barn does not appear eligible for inclusion in the California Register, nor does it qualify as a historical resource for the purposes of CEQA.

Granary

This resource consists of the partial remains of a former granary located approximately 300 feet to the east of the Vineyard Drive (Figure 3: Map Reference 3; Appendix A). It has an approximately 30-foot diameter base and inward-tapered walls of floating-formed concrete. The wall varies in height from nearly ground level on the east to approximately three feet as the terrain falls away to the west. No evidence of supporting bolts, rods, or brackets for a wood-framed tower were located. This granary was constructed circa 1925 based on information from San Luis County Assessor records, architectural characteristics, and historical USGS topographic maps. This granary possesses the basic utilitarian design common to agricultural buildings. This central portion has a dirt floor and is filled with weeds, broken, wooden boards, and trash.

Criterion 1: Is it associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage?

Research indicates that although the granary is associated with a pattern of events that have been significant in local history (agricultural development in the Adelaida area), the granary does not have an important specific association with that pattern of events.

Criterion 2: Is it associated with the lives of persons important in our past?

Research did indicate that the granary is located on a portion of the larger ranch that was once owned by King Vidor, an early Hollywood producer, director, and screenwriter. Vidor's ranch, at the height of its geographic extent, comprised approximately 1,500 acres, of which the project area was a small part (7 acres). Research did not indicate that Vidor built the granary, or that it served any purpose other than feed storage for his ranch. The granary appears to be part of a satellite complex associated with the day-to-day operation of the Willow Creek Ranch, and it is not associated with his productive life as a prominent Hollywood director, producer, and writer.

Criterion 3: Does it embody the distinctive characteristics of a type, period, region, or method of construction, or represent the work of an important creative individual, or possess high artistic values?

The granary possesses the general characteristics of a utilitarian design style, a style well represented in the existing building stock of northwest San Luis Obispo County and the Central Coast. Research and field observations indicate that it reflects a design and use of materials that is indicative of a carpenter and not an architect. The utilitarian approach the design and configuration indicates that this granary was used to contain grain or feed for cattle; as such, the granary does not represent the work of an important creative individual or possesses high artistic value.

Criterion 4: Has it yielded, or may it be likely to yield, information important in prehistory or history?

The utilitarian style has been well documented in agricultural literature, which has been extensively published and is widely available. There are no unusual or distinct aspects of the form or construction of the granary. For this reason, additional study of the granary would not be likely to yield information important to history.

Integrity Assessment. Due to a lack of historical significance, an integrity assessment of the Foreman's House integrity was not required.

Eligibility Conclusion. Due to a lack of historical significance, the granary does not appear eligible for inclusion in the California Register, nor does it qualify as a historical resource for the purposes of CEQA.

Dam, Well, and Pump Pad

This resource is located 10 feet east of Vineyard Drive and consists of the partial remains of a water system feature comprised of a masonry dam of dry-laid field stone, a three-foot diameter circular well, and a raised, rectangular concrete pad used to mount an electric pump motor (Figure 3: Map Reference 4; Appendix A). The electrical supply pole and panel are gone, as is the motor. The well is filled with soil and the dam partially crumbled. They were in place circa 1950, which is the approximate date of construction according to physical characteristics and land use history. The dam, well, and pump pad are not depicted on USGS topographic maps or in Assessor records, but this is not unusual given their small scale and discrete appearance.

Criterion 1: Is it associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage?

Research indicates that although the dam, well, and pump pad are associated with a pattern of events that have been significant in local history (agricultural development in the Adelaida area), they do not have an important specific association with that pattern of events.

Criterion 2: Is it associated with the lives of persons important in our past?

Research did indicate that the dam, well, and pump pad are located on a portion of the larger ranch that was once owned by King Vidor, an early Hollywood producer, director, and screenwriter. Vidor's ranch, at the height of its geographic extent, comprised approximately 1,500 acres, of which the project area was a small part (7 acres). Research did not indicate that Vidor built the dam, well, or pump pad, or served a purpose beyond being a minor and localized water source for the ranch. The dam, well, and pump pad appear to be part of a satellite complex associated with the day-to-day operation of the Willow Creek Ranch, and they are not associated with his productive life as a prominent Hollywood director, producer, and writer.

Criterion 3: Does it embody the distinctive characteristics of a type, period, region, or method of construction, or represent the work of an important creative individual, or possess high artistic values?

The dam, well, and pump pad possess the general characteristics of a utilitarian design style, a style well represented in the existing building stock of northwest San Luis Obispo County and the Central Coast. Research and field observations indicate that they reflect a design and use of materials that is indicative of a skilled laborer, not an architect. The utilitarian design and configuration indicates that the dam, well, and pump pad were used to provide the ranch a reliable water supply; as such, they do not represent the work of an important creative individual or possess high artistic value.

Criterion 4: Has it yielded, or may it be likely to yield, information important in prehistory or history?

The utilitarian design of common ranch water systems has been well documented in agricultural literature, which has been extensively published and is widely available. For this reason, additional study of the dam, well, and pump pad would not be likely to yield information important to history.

Integrity Assessment. Due to a lack of historical significance, an integrity assessment of the Foreman's House integrity was not required.

Eligibility Conclusion. Due to a lack of historical significance, the granary does not appear eligible for inclusion in the California Register, nor does it qualify as a historical resource for the purposes of CEQA.

Architectural Survey

The architectural field survey of the project area identified the remaining elements of former dairy ranch complex comprising two buildings – the Foreman’s House, a barn, a former granary, and a water system consisting of a dam, well, and pump pad. The majority of the building cluster shown on the 1947 *Adelaida, Calif.*, 15-minute and 1948 *York Mountain, Calif.*, 7.5-minute USGS topographic maps are gone (USGS 1947, 1948; San Luis Obispo County Assessor 1948).

An on-site conversation with Pasolivo General Manager Ms. Cheryl Wieczorek indicated that the project area was once owned by King Vidor, a notable Hollywood director who directed films including *Man Without A Star*, *Northwest Passage*, and *The Fountainhead* (Wikipedia 2013). Subsequent research indicates that Vidor’s estate later comprised over 1,500 acres and was used as a

cattle ranch and getaway destination. Mr. Vidor died on his ranch in 1982. His home was located at Whalebone Vineyard, located approximately one-half mile to the west of the project area at 8325 Vineyard Drive.

Each built environment element is described in the Eligibility Evaluation section above as well as on DPR 523 records in Appendix A.

ELIGIBILITY EVALAUTIONS

LSA evaluated four built enjoiment resources for their California Register eligibility: the Foreman's House, barn, granary, and water system (dam, well, and pump pad). Based on background research and field surveys, none of the built environment resources identified appear eligible for inclusion under any of the criteria of the California Register.

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ATTACHMENT 7

LSA ASSOCIATES, INC.
SEPTEMBER 2013

PHASE I ARCHAEOLOGICAL SURVEY AND HISTORICAL ASSESSMENT
FOR THE PASOLIVO PROJECT
SAN LUIS OBISPO COUNTY, CALIFORNIA

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ATTACHMENT 7

LSA ASSOCIATES, INC.
SEPTEMBER 2013

PHASE I ARCHAEOLOGICAL SURVEY AND HISTORICAL ASSESSMENT
FOR THE PASOLIVO PROJECT
SAN LUIS OBISPO COUNTY, CALIFORNIA

APPENDIX A

California Department of Parks and Recreation 523 Series Forms

ATTACHMENT 7

LSA ASSOCIATES, INC.
SEPTEMBER 2013

PHASE I ARCHAEOLOGICAL SURVEY AND HISTORICAL ASSESSMENT
FOR THE PASOLIVO PROJECT
SAN LUIS OBISPO COUNTY, CALIFORNIA

Foreman's House

ATTACHMENT 7

State of California — The Resources Agency DEPARTMENT OF PARKS AND RECREATION		Primary # HRI #
PRIMARY RECORD		Trinomial NRHP Status Code
Other Listings Review Code	Reviewer	Date

Page 1 of 2

*Resource Name: Foreman's House

P1. Other Identifier: Willow Creek Ranch; Pasolivo Olive Oil Company

*P2. Location: ☐ Not for Publication ☒ Unrestricted *a. County: San Luis Obispo

*b. USGS 7.5' Quad: York Mountain, Calif., Date: 1948 T: 26S R: 10E; Section 36

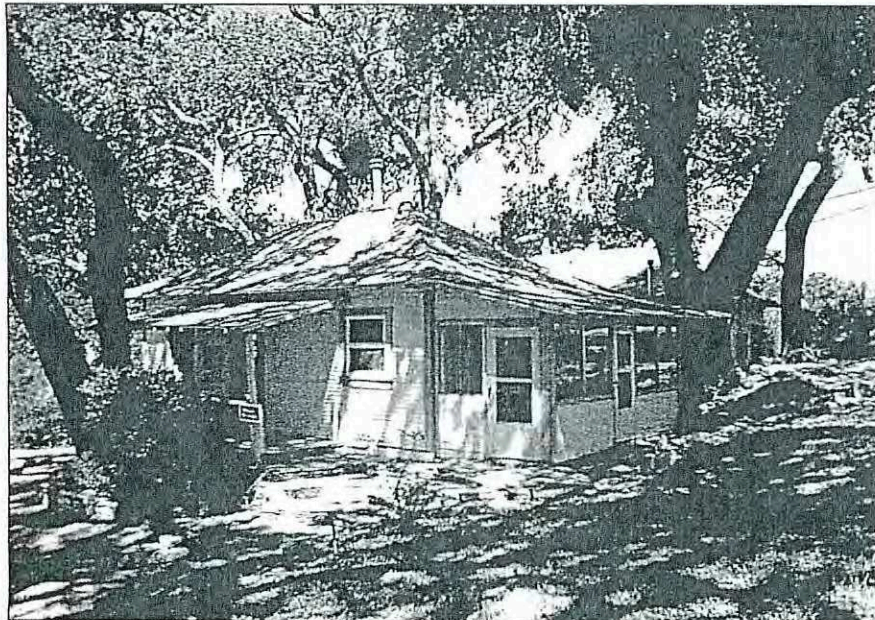
c. Address: 8530 Vineyard Drive, Paso Robles, California 93446 d. UTM: Zone 10S; 695113mE/3943813mN

e. Other Locational Data: APN 014-331-071. From the intersection of State Route 46 and Vineyard Drive, head north/northwest on Vineyard Drive 7.2 miles to 8530 Vineyard Drive, approximately 300 feet east of Vineyard Drive.

P3a. Description: This resource is a 1,196-square-foot, I-shaped, Vernacular, single-family residence built circa 1900 on a 140-acre parcel in a rural setting. Character-defining features of this building include a low-pitched, cross-hipped roofs with short, overhanging eaves, an asymmetrical façade, and walls clad in various types of wooden siding, including faux board-and-batten, horizontal lap, and T-111 siding simulating horizontal lap. The main entrance is on the far left side of the south-facing façade and consists of a replacement wood door. The windows are of various types: replacement aluminum-framed sliders, vinyl-sash design, and large, fixed-paned windows. The rear of the property has several small sheds and ancillary buildings for equipment storage. Alterations to the building appear extensive and include various types of wooden wall cladding. Windows of various sizes and types, including multi-paned metal casement windows, double-hung vinyl-sash windows, and large, fixed-paned windows. There is a small, shed-roofed addition on the north façade, likely used as a washroom. This building was used as a ranch foreman's house but is currently vacant. Landscape elements include grass, oak trees, bushes, and a winding entryway of field stone. The building is in fair condition. Due to a lack of historical significance, the Foreman's House does not appear eligible for inclusion in the California Register, nor does it qualify as a historical resource for the purposes of CEQA. Please see the report cited below for documentation of the evaluation.

*P3b. Resource Attributes: (HP2) Single family residence; (HP4) Ancillary building; (HP33) Farm/ranch

*P4. Resources Present: ☒ Building ☐ Structure ☐ Object ☐ Site ☐ District ☐ Element of District ☐ Other



P5b. Description of Photo:

Foreman's House, south and east façade, view northwest.

*P6. Date Constructed/Age and Sources ☒ Historic ☐ Prehistoric; Circa 1950, County Assessor Office, architectural characteristics.

*P7. Owner and Address:

Brian Dirk
Pasolivo Olive Oil
8530 Vineyard Drive
Paso Robles, CA 93446

*P8. Recorded by:

Michael Hibma
LSA Associates, Inc
157 Park Place
Richmond, California 94801

*P9. Date Recorded

August 15, 2013

*P10. Survey Type: Intensive

*P11. Report: Hibma, Michael and Leroy Laurie, 2013. *Phase I Archaeological Survey and Historical Assessment for the Pasolivo Project, San Luis Obispo County, California*. LSA Associates, Inc.,

*Attachments: ☐ NONE ☒ Location Map ☐ Sketch Map ☐ Continuation Sheet ☐ Building, Structure, and Object Record ☐ Archaeological Record ☐ District Record ☐ Linear Feature Record ☐ Milling Station Record ☐ Rock Art Record ☐ Artifact Record ☐ Photograph Record ☐ Other:

DPR 523A (1/95)

*Required information

ATTACHMENT 7

State of California — The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
LOCATION MAP

Primary #
HRI#
Trinomial

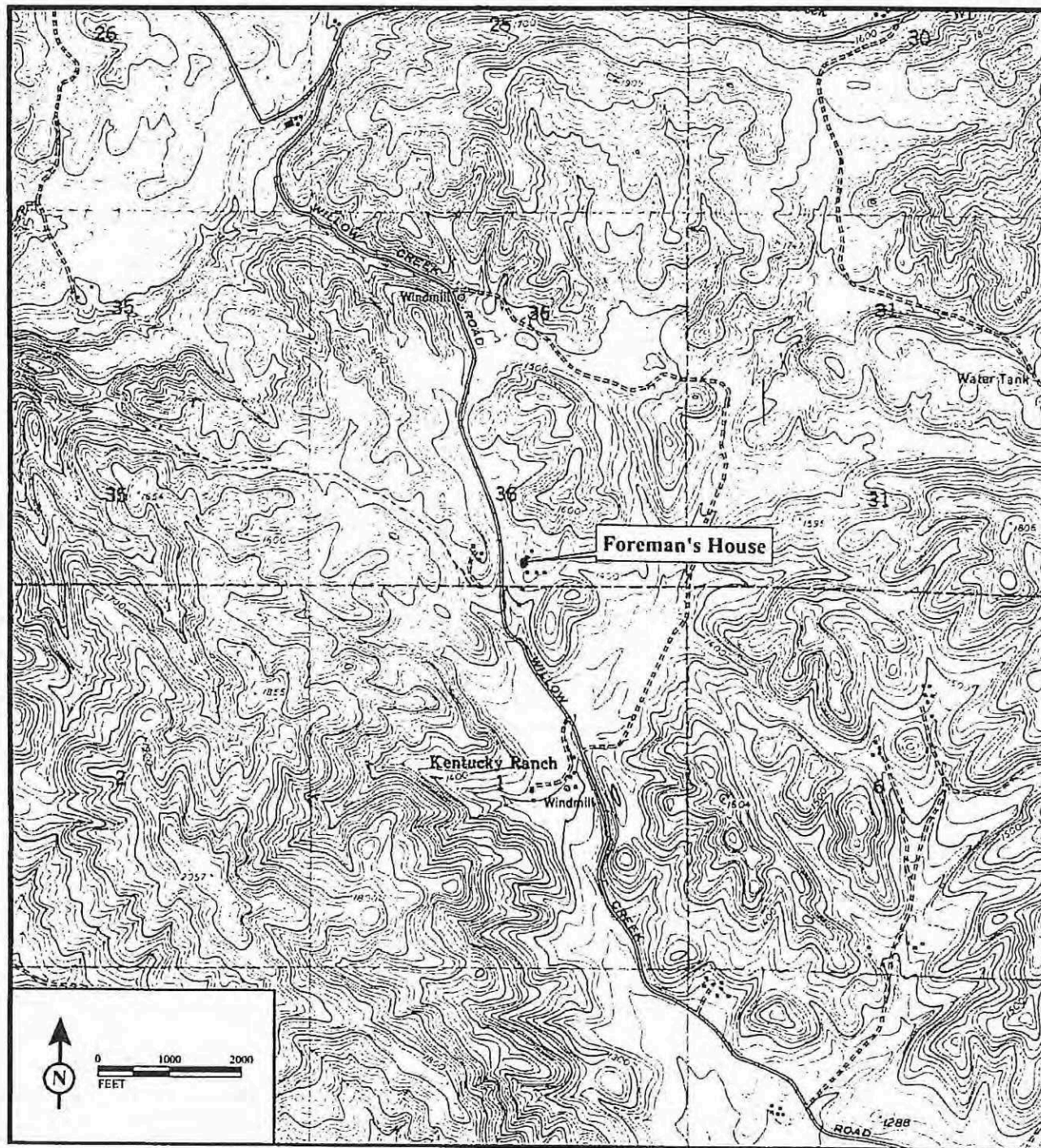
Page 2 of 2

*Resource Name: Foreman's House

*Map Name: USGS 7.5' topographic quadrangle: York Mountain, CA.

*Scale: 1:24,000

*Date of Map: 1948



DPR 523J (1/95)

*Required information

ATTACHMENT 7

LSA ASSOCIATES, INC.
SEPTEMBER 2013

PHASE I ARCHAEOLOGICAL SURVEY AND HISTORICAL ASSESSMENT
FOR THE PASOLIVO PROJECT
SAN LUIS OBISPO COUNTY, CALIFORNIA

Barn

ATTACHMENT 7

State of California — The Resources Agency DEPARTMENT OF PARKS AND RECREATION PRIMARY RECORD		Primary # HRI # Trinomial NRHP Status Code
Other Listings Review Code	Reviewer	Date

Page 1 of 2

*Resource Name: Barn

P1. Other Identifier: Willow Creek Ranch; Pasolivo Olive Oil Company

***P2. Location:** ☐ Not for Publication ☒ Unrestricted ***a. County:** San Luis Obispo

***b. USGS 7.5' Quad:** York Mountain, Calif. **Date:** 1948 **T:** 26S **R:** 10E; Section 36

c. Address: 8530 Vineyard Drive, Paso Robles, California 93446 **d. UTM:** Zone 10S; 695138mE/3943752mN

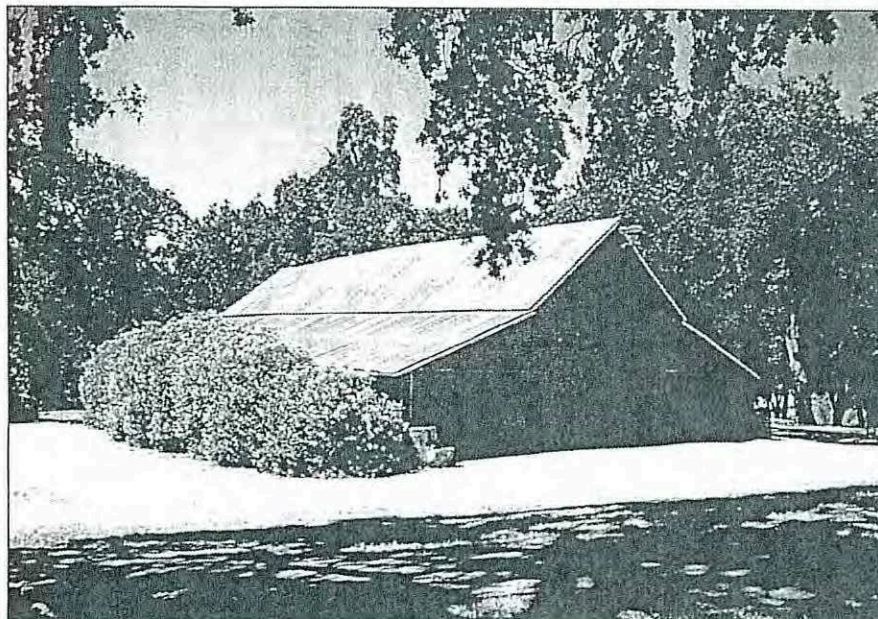
e. Other Locational Data: APN 014-331-071. From the intersection of State Route 46 and Vineyard Drive, head north/northwest on Vineyard Drive 7.2 miles to 8530 Vineyard Drive. The feature is approximately 325 feet east of Vineyard Drive and south of the Foreman's House.

P3a. Description:

The resource consists of a tall, rectangular, 6,500-square-foot, wooden-framed barn with a central two-story portion flanked by single story, shed-roofed cribs on the east and west façades located approximately 350 feet to the east of the Vineyard Drive. It is covered by a medium-pitched, end-gabled roof. The walls are of 1-by-12 foot vertical boards with a tall, roller-door on the north façade. The barn is currently used for equipment storage. This barn was constructed circa 1925 which is its date of construction according to information from San Luis County Assessor records, architectural characteristics, and historical USGS topographic maps. The barn was originally used to feed and house livestock of the Willow Creek Ranch. This barn possesses the basic utilitarian-based design common to agricultural buildings. This barn was heavily damaged during the San Simeon Earthquake of December 2002. Following the quake, the barn's entire superstructure was rebuilt with lodge poles set in circular concrete supports. The former hay loft was removed and most of the eastern crib was enclosed and is used to store equipment, tools, and pesticides. A shed-roofed addition is located on the south façade. An inspection of the barn interior identified a wooden sign that states "Willow Creek Ranch" confirming the previous name of the property. The barn is in good condition and currently used to store tools, equipment, and chemical products. Due to a lack of historical significance, the barn does not appear eligible for inclusion in the California Register, nor does it qualify as a historical resource for the purposes of CEQA. Please see the report cited below for documentation of the evaluation.

***P3b. Resource Attributes:** (HP4) Ancillary building

***P4. Resources Present:** ☒ Building ☐ Structure ☐ Object ☐ Site ☐ District ☐ Element of District ☐ Other



P5b. Description of Photo: Barn at 8350 Vineyard Drive, north façade, view southwest. SR 120 in background. LSA photo, 10/23/12.

***P6. Date Constructed/Age and Sources** ☒ Historic ☐ Prehistoric; Circa 1925, County Assessor Office, architectural characteristics.

***P7. Owner and Address:**
Brian Dirk
Pasolivo Olive Oil
8530 Vineyard Drive
Paso Robles, CA 93446

***P8. Recorded by:**
Michael Hibma
LSA Associates, Inc
157 Park Place
Richmond, California 94801

***P9. Date Recorded**
August 15, 2013

***P10. Survey Type:** Intensive

***P11. Report:** Hibma, Michael and Leroy Laurie. 2013. *Phase I Archaeological Survey and Historical Assessment for the Pasolivo Project, San Luis Obispo County, California*. LSA Associates, Inc.).

***Attachments:** ☐ NONE ☒ Location Map ☐ Sketch Map ☐ Continuation Sheet ☐ Building, Structure, and Object Record ☐ Archaeological Record ☐ District Record ☐ Linear Feature Record ☐ Milling Station Record ☐ Rock Art Record ☐ Artifact Record ☐ Photograph Record ☐ Other:
DPR 523A (1/95)

*Required information

ATTACHMENT 7

State of California — The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
LOCATION MAP

Primary #
HRI#
Trinomial

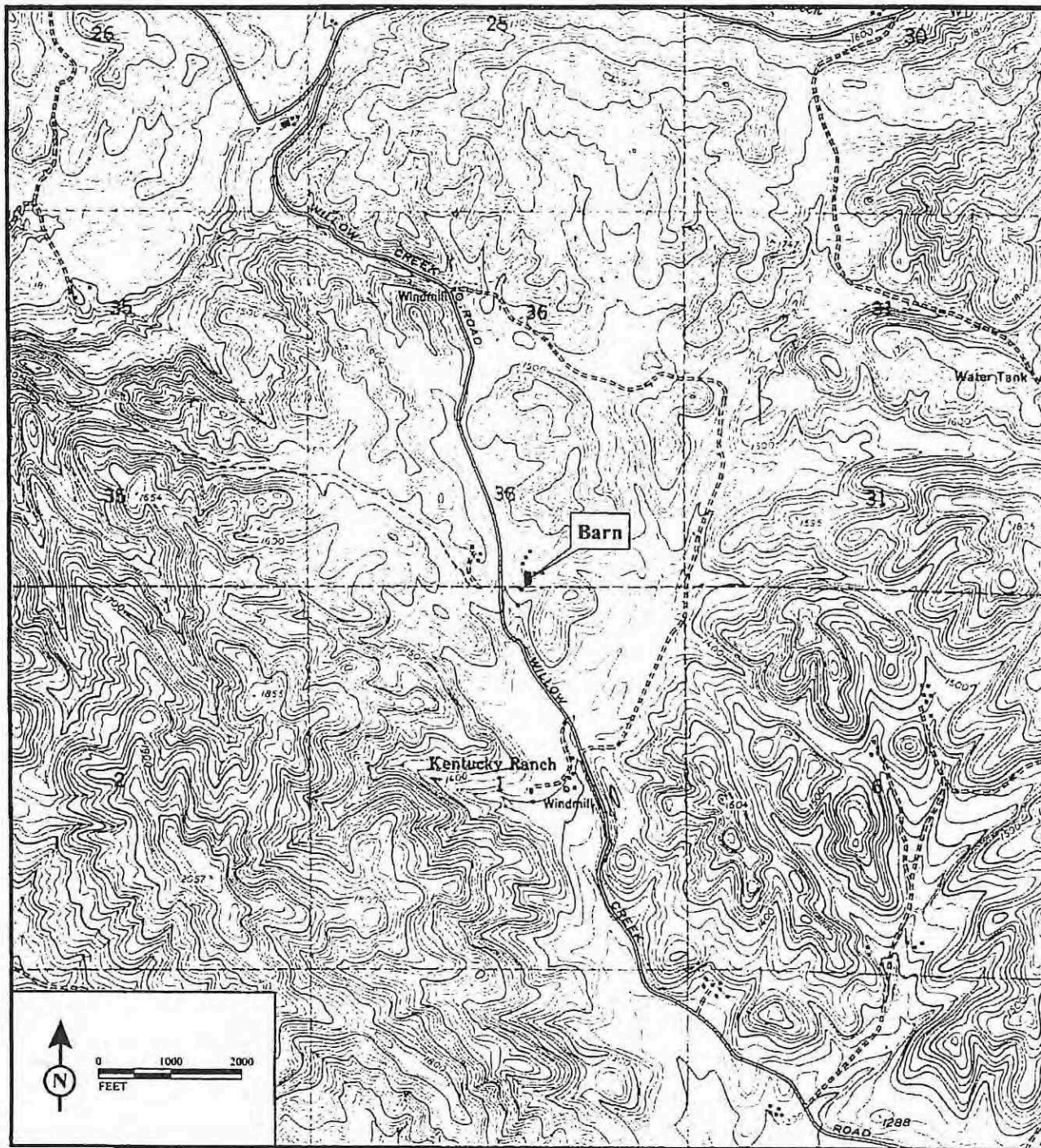
Page 2 of 2

*Resource Name: Barn

*Map Name: USGS 7.5' topographic quadrangle: York Mountain, CA.

*Scale: 1:24,000

*Date of Map: 1948



DPR 523J (1/95)

*Required information

ATTACHMENT 7

LSA ASSOCIATES, INC.
SEPTEMBER 2013

PHASE I ARCHAEOLOGICAL SURVEY AND HISTORICAL ASSESSMENT
FOR THE PASOLIVO PROJECT
SAN LUIS OBISPO COUNTY, CALIFORNIA

Granary

ATTACHMENT 7

State of California — The Resources Agency DEPARTMENT OF PARKS AND RECREATION PRIMARY RECORD		Primary # HRI # Trinomial NRHP Status Code
Other Listings Review Code	Reviewer	Date

Page 1 of 2

*Resource Name: Granary

P1. Other Identifier: Willow Creek Ranch; Pasolivo Olive Oil Company

*P2. Location: ☐ Not for Publication ☐ Unrestricted *a. County: San Luis Obispo

*b. USGS 7.5' Quad: York Mountain Date: 1948 T: 26S R: 10E Section 36

c. Address: 8530 Vineyard Drive, Paso Robles, California 93446 d. UTM:Zone 10S; 695104mE/3943716mN

e. Other Locational Data: APN 014-331-071. From the intersection of State Route 46 and Vineyard Drive, head north/northwest on Vineyard Drive 7.2 miles to 8530 Vineyard Drive. The feature is approximately 200 feet east of the driveway entrance to the property and 30-40 feet southeast of the barn.

P3a. Description: This resource consists of the partial remains of a former granary located approximately 300 feet to the east of the Vineyard Drive. It has an approximately 30-foot diameter base and inward-tapered walls of floating-formed concrete. The wall varies in height from nearly ground level on the east to approximately three feet as the terrain falls away to the west. No evidence of supporting bolts, rods, or brackets for a wood-framed tower were found. This granary was constructed circa 1925 which is its date of construction according to information from San Luis County Assessor records, architectural characteristics, and historical USGS topographic maps. This granary possesses the basic utilitarian-based design common to agricultural buildings. This central portion has a dirt floor and is filled with weeds, broken, wooden boards, and trash. Due to a lack of historical significance, the granary does not appear eligible for inclusion in the California Register, nor does it qualify as a historical resource for the purposes of CEQA. Please see the report cited below for documentation of the evaluation.

*P3b. Resource Attributes: AH-2 Foundation

*P4. Resources Present: ☐ Building ☒ Structure ☐ Object ☐ Site ☐ District ☐ Element of District ☐ Other



P5b. Description of Photo: Overview of foundation facing south.

*P6. Date Constructed/Age and Sources ☒ Historic ☐ Prehistoric; Circa 1920, County Assessor Office, architectural characteristics.

*P7. Owner and Address:
Brian Dirk
Pasolivo Olive Oil
8530 Vineyard Drive
Paso Robles, CA 93446

*P8. Recorded by:
Michael Hibma
LSA Associates, Inc
157 Park Place
Richmond, California 94801

*P9. Date Recorded
August 15, 2013

*P10. Survey Type: Intensive

*P11. Report: Hibma, Michael and Leroy Laurie. 2013. *Phase I Archaeological Survey and Historical Assessment for the Pasolivo Project, San Luis Obispo County, California*. LSA Associates, Inc.

*Attachments: ☐ NONE ☒ Location Map ☐ Sketch Map ☐ Continuation Sheet ☐ Building, Structure, and Object Record ☐ Archaeological Record ☐ District Record ☐ Linear Feature Record ☐ Milling Station Record ☐ Rock Art Record ☐ Artifact Record ☐ Photograph Record ☐ Other:

DPR 523A (1/95)

*Required information

ATTACHMENT 7

State of California — The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
PRIMARY RECORD

Primary #
HRI #
Trinomial
NRHP Status Code

Other Listings
Review Code

Reviewer

Date

Page 1 of 2

*Resource Name: Granary

P1. Other Identifier: Willow Creek Ranch; Pasolivo Olive Oil Company

*P2. **Location:** ☐ Not for Publication ☐ Unrestricted *a. **County:** San Luis Obispo

*b. **USGS 7.5' Quad:** York Mountain **Date:** 1948 **T:** 26S **R:** 10E **Section:** 36

c. **Address:** 8530 Vineyard Drive, Paso Robles, California 93446 d. **UTM:Zone:** 10S; **695104mE/3943716mN**

e. **Other Locational Data:** APN 014-331-071. From the intersection of State Route 46 and Vineyard Drive, head north/northwest on Vineyard Drive 7.2 miles to 8530 Vineyard Drive. The feature is approximately 200 feet east of the driveway entrance to the property and 30-40 feet southeast of the barn.

P3a. Description: This resource consists of the partial remains of a former granary located approximately 300 feet to the east of the Vineyard Drive. It has an approximately 30-foot diameter base and inward-tapered walls of floating-formed concrete. The wall varies in height from nearly ground level on the east to approximately three feet as the terrain falls away to the west. No evidence of supporting bolts, rods, or brackets for a wood-framed tower were found. This granary was constructed circa 1925 which is its date of construction according to information from San Luis County Assessor records, architectural characteristics, and historical USGS topographic maps. This granary possesses the basic utilitarian-based design common to agricultural buildings. This central portion has a dirt floor and is filled with weeds, broken, wooden boards, and trash. Due to a lack of historical significance, the granary does not appear eligible for inclusion in the California Register, nor does it qualify as a historical resource for the purposes of CEQA. Please see the report cited below for documentation of the evaluation.

*P3b. **Resource Attributes:** AH-2 Foundation

*P4. **Resources Present:** ☐ Building ☒ Structure ☐ Object ☐ Site ☐ District ☐ Element of District ☐ Other



P5b. Description of Photo: Overview of foundation facing south.

*P6. **Date Constructed/Age and Sources** ☒ Historic ☐ Prehistoric; Circa 1920, County Assessor Office, architectural characteristics.

*P7. **Owner and Address:**
Brian Dirk
Pasolivo Olive Oil
8530 Vineyard Drive
Paso Robles, CA 93446

*P8. **Recorded by:**
Michael Hibma
LSA Associates, Inc
157 Park Place
Richmond, California 94801

*P9. **Date Recorded**
August 15, 2013

*P10. **Survey Type:** Intensive

*P11. **Report:** Hibma, Michael and Leroy Laurie. 2013. *Phase I Archaeological Survey and Historical Assessment for the Pasolivo Project, San Luis Obispo County, California.* LSA Associates, Inc.

*Attachments: ☐ NONE ☒ Location Map ☐ Sketch Map ☐ Continuation Sheet ☐ Building, Structure, and Object Record ☐ Archaeological Record ☐ District Record ☐ Linear Feature Record ☐ Milling Station Record ☐ Rock Art Record ☐ Artifact Record ☐ Photograph Record ☐ Other:

DPR 523A (1/95)

*Required information

ATTACHMENT 7

State of California — The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
LOCATION MAP

Primary #
HRI#
Trinomial

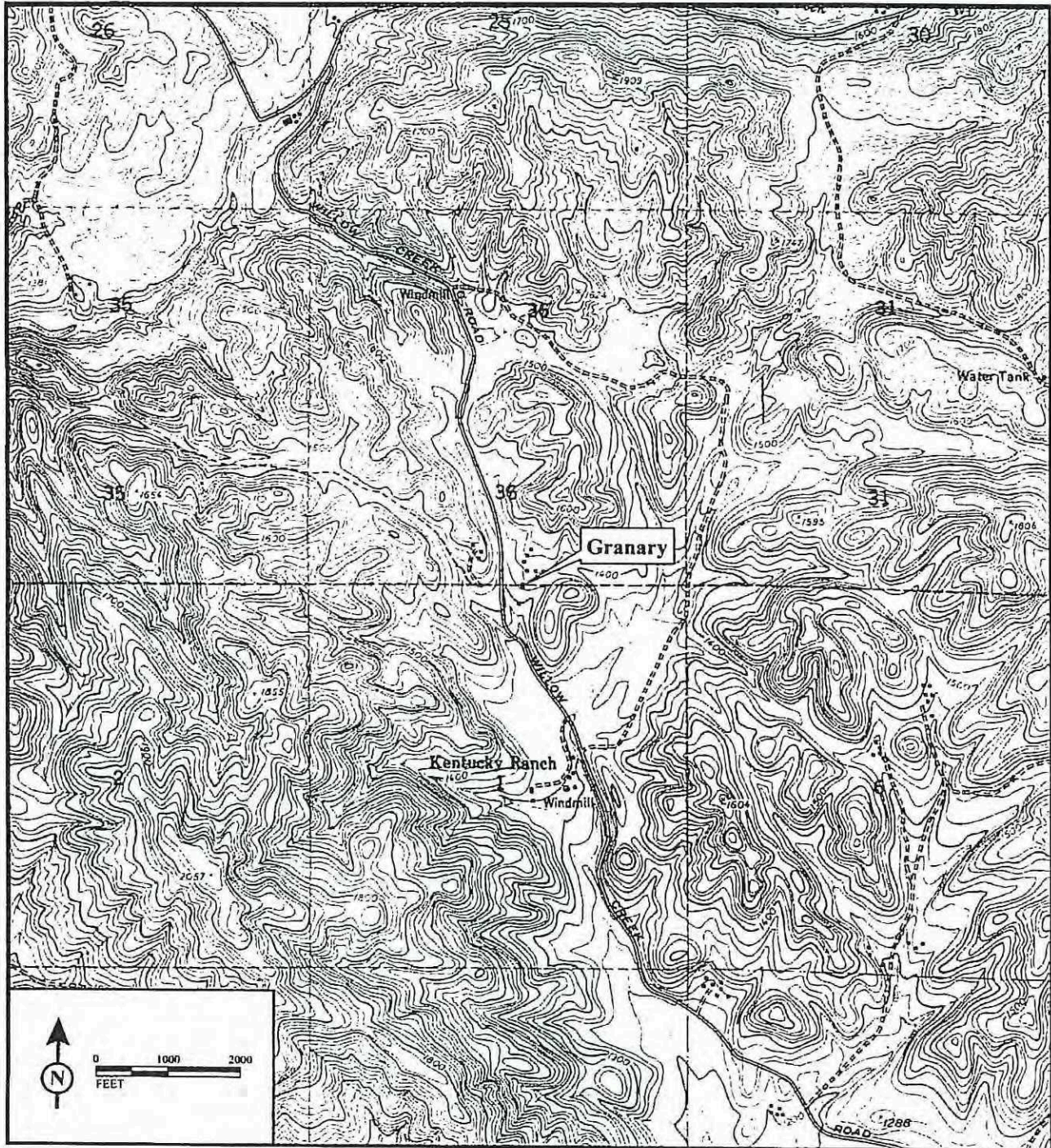
Page 2 of 2

*Resource Name: Granary

*Map Name: USGS 7.5' topographic quadrangle: *York Mountain, CA.*

*Scale: 1:24,000

*Date of Map: 1948



DPR 523J (1/95)

*Required information

ATTACHMENT 7

LSA ASSOCIATES, INC.
SEPTEMBER 2013

PHASE I ARCHAEOLOGICAL SURVEY AND HISTORICAL ASSESSMENT
FOR THE PASOLIVO PROJECT
SAN LUIS OBISPO COUNTY, CALIFORNIA

Dam, Well, and Pump Pad

ATTACHMENT 7

State of California — The Resources Agency DEPARTMENT OF PARKS AND RECREATION PRIMARY RECORD		Primary # HRI # Trinomial NRHP Status Code
Other Listings Review Code	Reviewer	Date

Page 1 of 2

*Resource Name: Dam, Well, and Pump Pad

P1. Other Identifier: Willow Creek Ranch; Pasolivo Olive Oil Company

*P2. Location: ☐ Not for Publication ☐ Unrestricted *a. County: San Luis Obispo

*b. USGS 7.5' Quad: *York Mountain, Calif.*, Date: 1948 T: 26S R: 10E; Section 36, MDBL.

c. Address: 8530 Vineyard Drive, Paso Robles, California 93446 d. UTM: Zone 10S: 695046mE/3943775mN

e. Other Locational Data: APN 014-331-071. From the intersection of State Route 46 and Vineyard Drive, head north/northwest on Vineyard Drive 7.2 miles to 8530 Vineyard Drive. The feature is approximately 100 feet north of the driveway entrance to the property within the small drainage adjacent to Vineyard Drive.

P3a. Description: This resource is located 10 feet east of Vineyard Drive and consists the partial remains of a water control system feature comprised of a masonry dam of dry-laid field stone, a small, a three-foot diameter circular well, and a raised, rectangular concrete pad used to mount an electric motor; likely to pump ground water. The electrical supply pole and panel are gone, as is the motor. The well is filled with soil and the dam partially crumbled. of a masonry dam of dry-laid field stone, a small, circular well, and a raised concrete pad once used to mount a pump well motor. These features worked in tandem to supply water to the property. They were likely in place circa 1950, which according to design characteristics and land-use patterns, is the approximate date of construction. No evidence of the dam, well, and pump pad are depicted on USGS topographic maps. Due to a lack of historical significance, the granary does not appear eligible for inclusion in the California Register, nor does it qualify as a historical resource for the purposes of CEQA. Please see the report cited below for documentation of the evaluation.

*P3b. Resource Attributes: AH-21: Dam ; AH-5: Well; AH-2 Foundation

*P4. Resources Present: ☐ Building ☒ Structure ☐ Object ☐ Site ☐ District ☐ Element of District ☐ Other



P5b. Description of Photo: Overview of the dam, the well, and the pad facing north. Vineyard Drive, upper left.

*P6. Date Constructed/Age and Sources ☒ Historic ☐ Prehistoric
Circa 1950, design characteristics.

*P7. Owner and Address:
Brian Dirk
Pasolivo Olive Oil
8530 Vineyard Drive
Paso Robles, CA 93446

*P8. Recorded by:
Leroy Laurie and Michael Hibma
LSA Associates, Inc
157 Park Place
Richmond, California 94801

*P9. Date Recorded
August 15, 2013

*P10. Survey Type: Intensive

*P11. Report: Hibma, Michael and Leroy Laurie. 2013. *Phase I Archaeological Survey and Historical Assessment for the Pasolivo Project, San Luis Obispo County, California*. LSA Associates, Inc.

*Attachments: ☐ NONE ☒ Location Map ☐ Sketch Map ☐ Continuation Sheet ☐ Building, Structure, and Object Record
☐ Archaeological Record ☐ District Record ☐ Linear Feature Record ☐ Milling Station Record ☐ Rock Art Record
☐ Artifact Record ☐ Photograph Record ☐ Other:

DPR 523A (1/95)

*Required information

ATTACHMENT 7

State of California — The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
LOCATION MAP

Primary #
HRI#
Trinomial

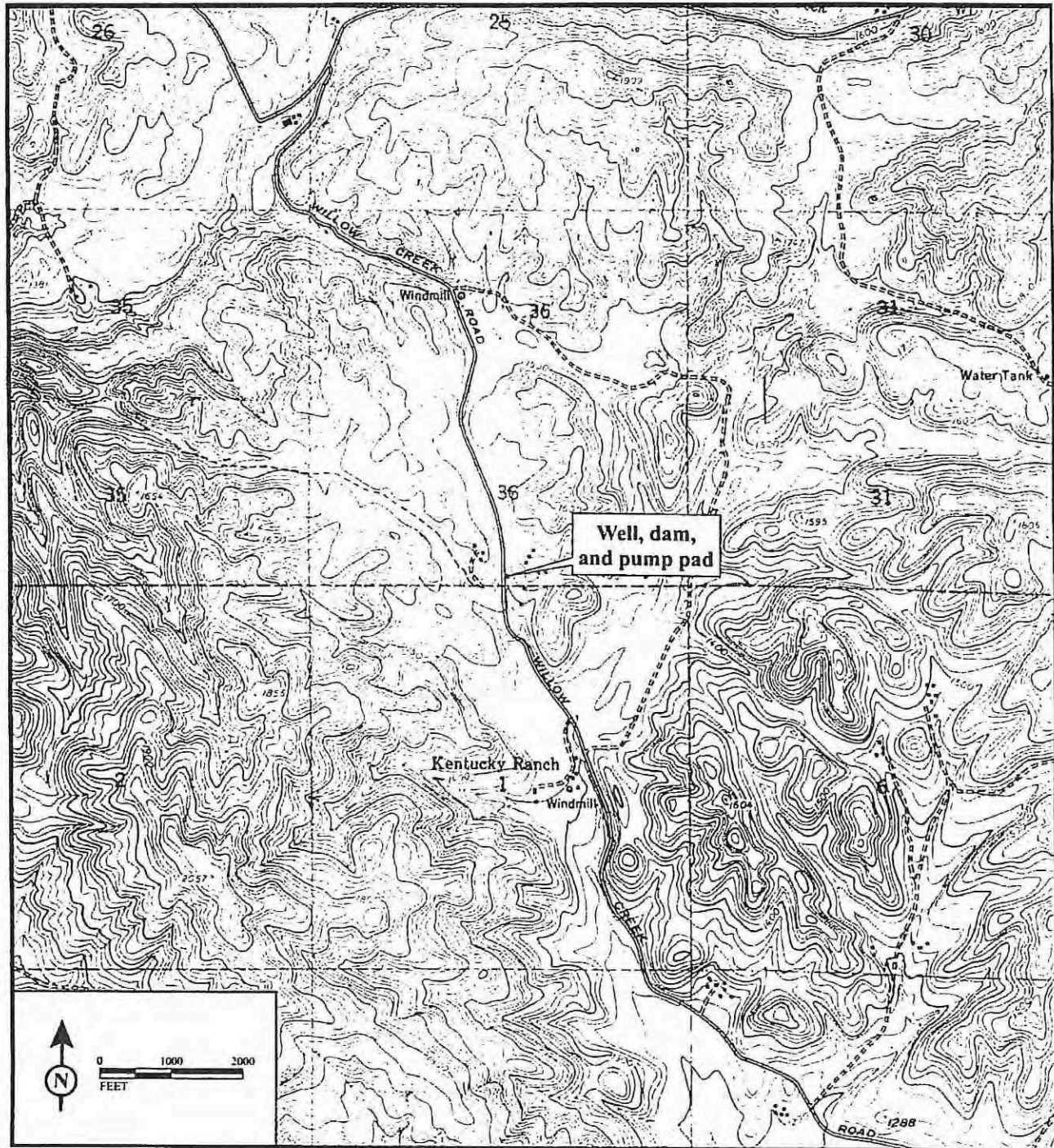
Page 2 of 2

*Resource Name: Dam, Well, and Pump Pad

*Map Name: USGS 7.5' topographic quadrangle: York Mountain, CA.

*Scale: 1:24,000

*Date of Map: 1948



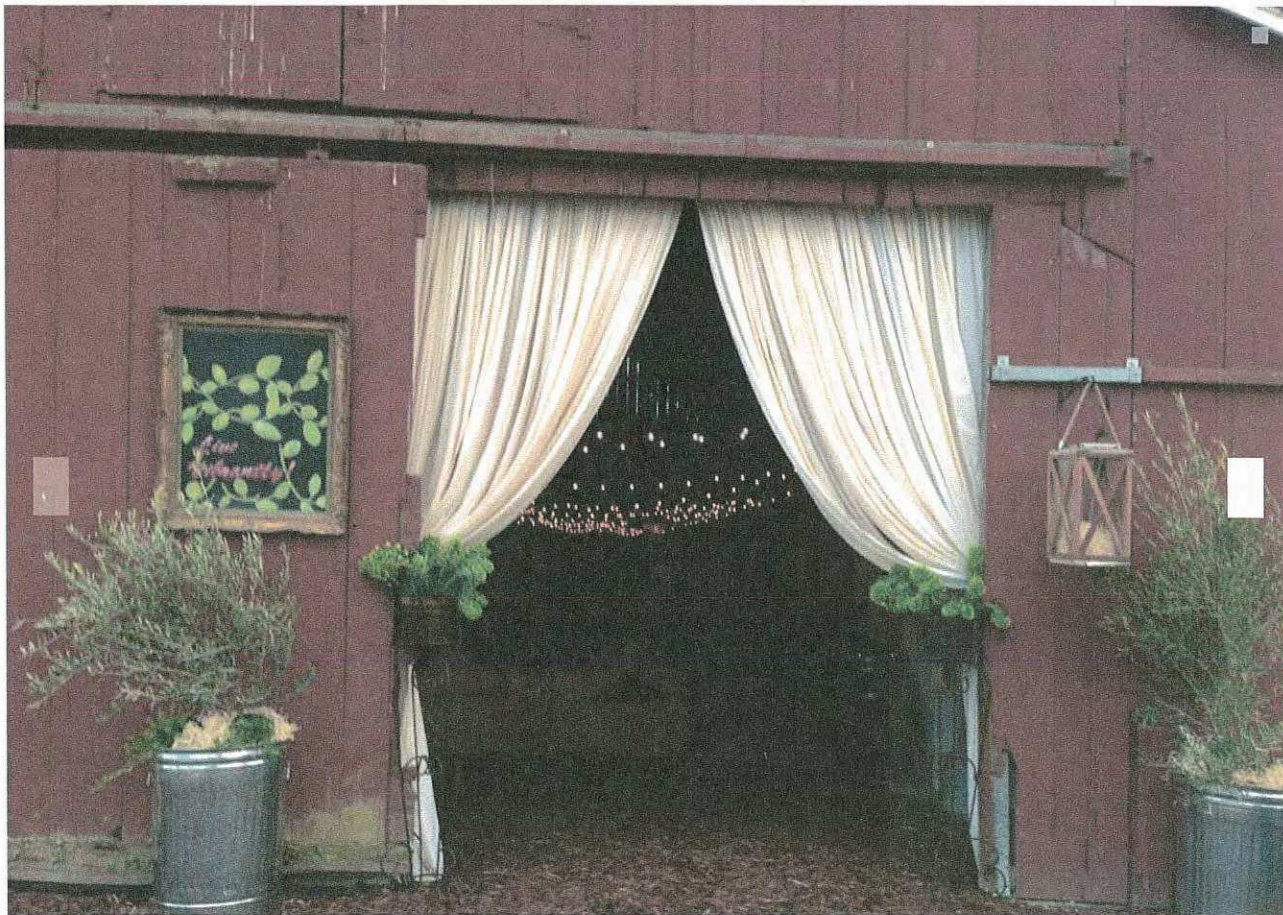
DPR 523J (1/95)

*Required information

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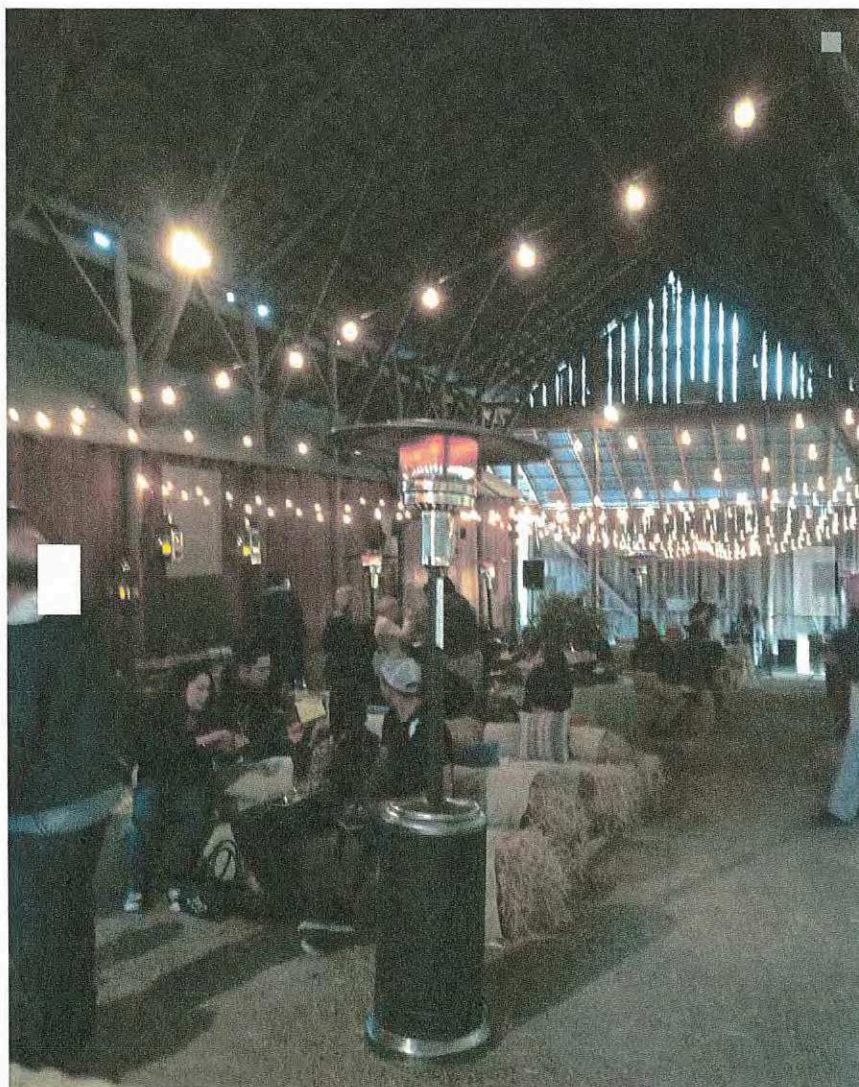
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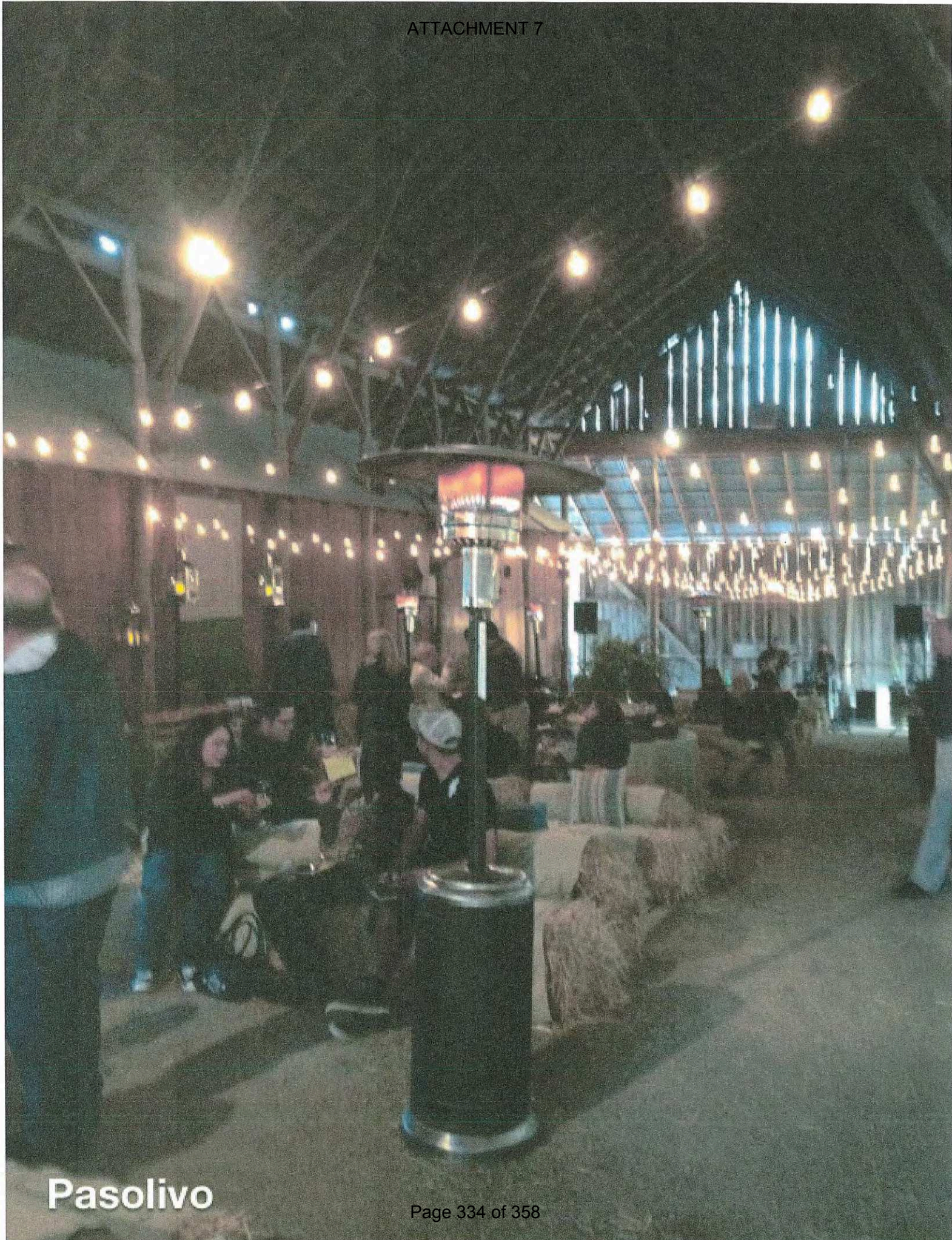
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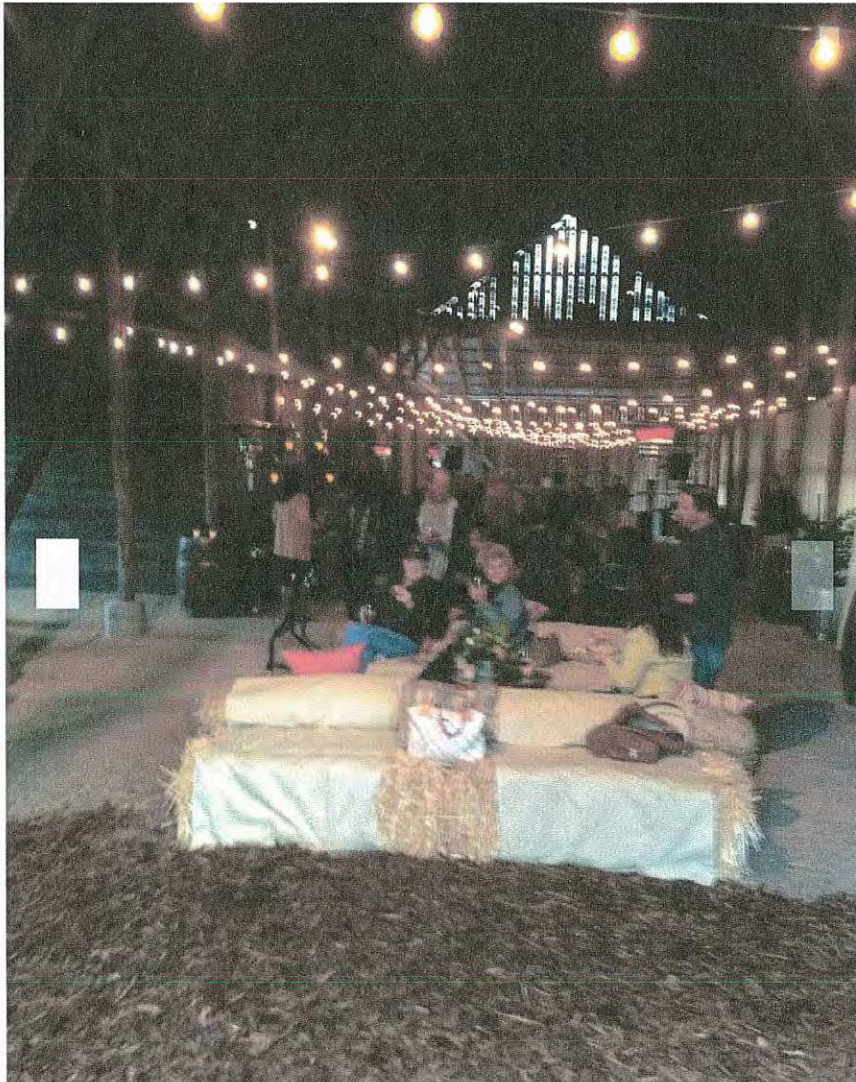
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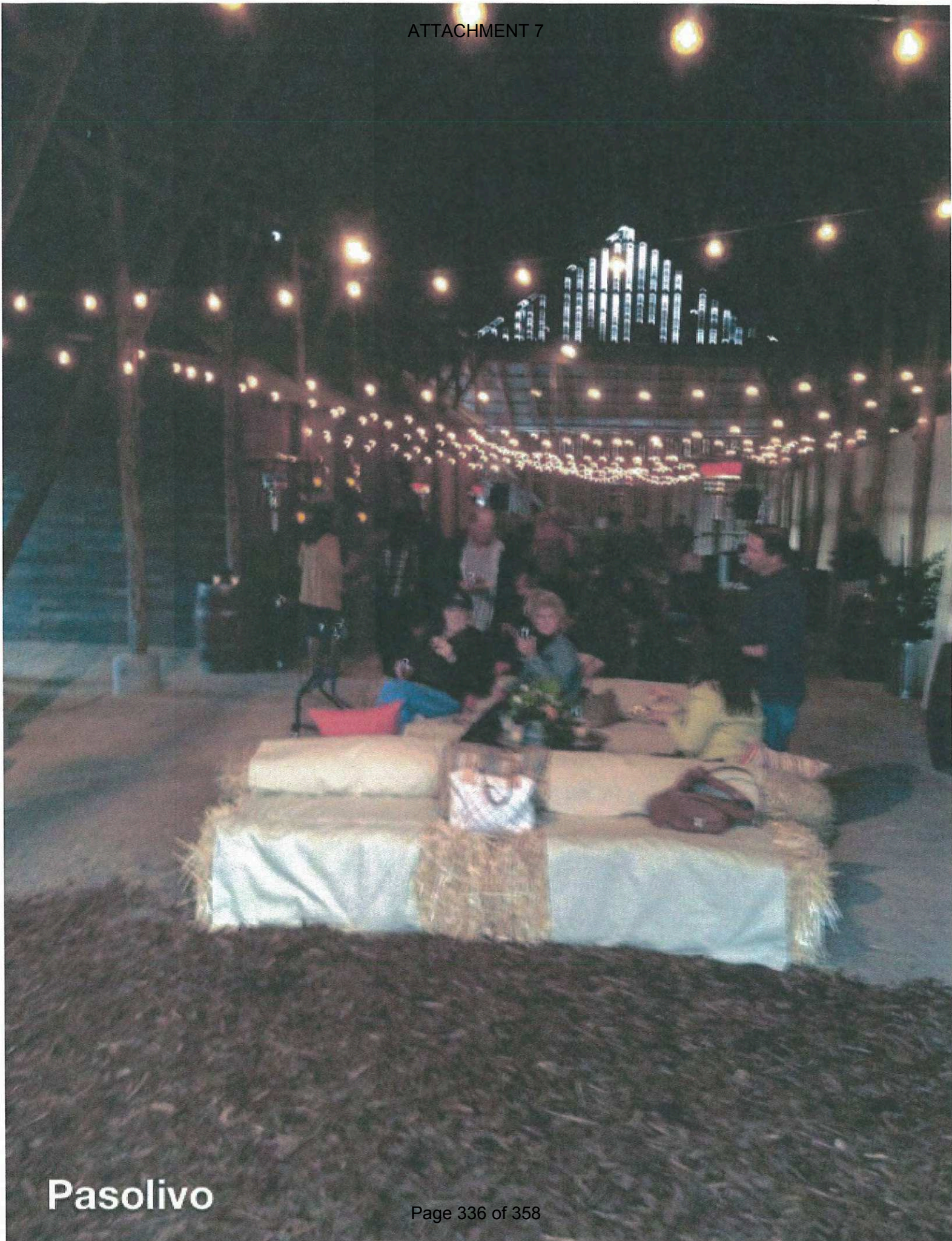
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JACK HANAUER CONSTRUCTION, INC.

P. O. Box 387 Templeton, CA 93465
805-226-8671 Lic.# 848424 Fax 226-9371
email: jackhanauerconstruction@msn.com

March 2, 2015

To whom it may concern,

Back in 2005, my construction company took on the job of anchoring the old Willow Creek Ranch Dairy Barn to a concrete foundation. The owner at the time, wanted to preserve the 70-100 year old dairy barn as part of the agricultural history of the Willow Creek-Adelaida area. This is one of two barns in the area that have been preserved by their owners. The other barn is also located on 8355 Vineyard Dr., less than half a mile away, on the "Old Kentucky Ranch" which is now the Thacher Winery.

The Willow Creek Ranch Barn

The barn has two very unique characteristics that set it apart from other "old barns" in this county.

#1: The Interior Posts

The interior post are the main load bearing supports for the roof and run the entire length of the 100' long barn. They are made out of 20'-25' tall oak trees that were forested off the property back when the barn was built. These trees were not milled into square posts, they were left in their natural state, and only the bark was removed. During the restoration work, we replaced two of the post/trees with similar oak trees, also forested off the property. I know of no other barn in the county with this unique structural characteristic.

#2: The Natural Sloped Grade of the Foundation

At the north end of the barn, if you measured from grade to the ridge of the barn roof, you would measure somewhere around 24'. If you then went to the south end of the barn, a distance of 100', and took the same measurement to the ridge of the roof, you would measure 27'-28'. This barn was built 70-100 years ago by farmers that used the natural sloping grade of the land for the foundation and constructed a barn with a perfectly level roof line. Not a monumental engineering feat, but a good use of the land, maybe the slope help in moving milk cows in and out of the barn. More likely, the natural grade was used to avoid having to grade and move hundreds of yards of dirt. But that characteristic does add to the uniqueness of the barn.

As I said earlier, my company was hired to construct a new foundation under the barn. I must point out that the work we were being hired to do should be described as a "preservation project." We were preserving a barn that was structurally sound but in need of maintenance and rehabbing. This barn survived...intact..... the 1993 San Simeon earthquake that ripped through the Willow Creek/Aledaida area causing millions of dollars of damage to recently constructed modern homes.

Summary of the Restoration Work

This work included:

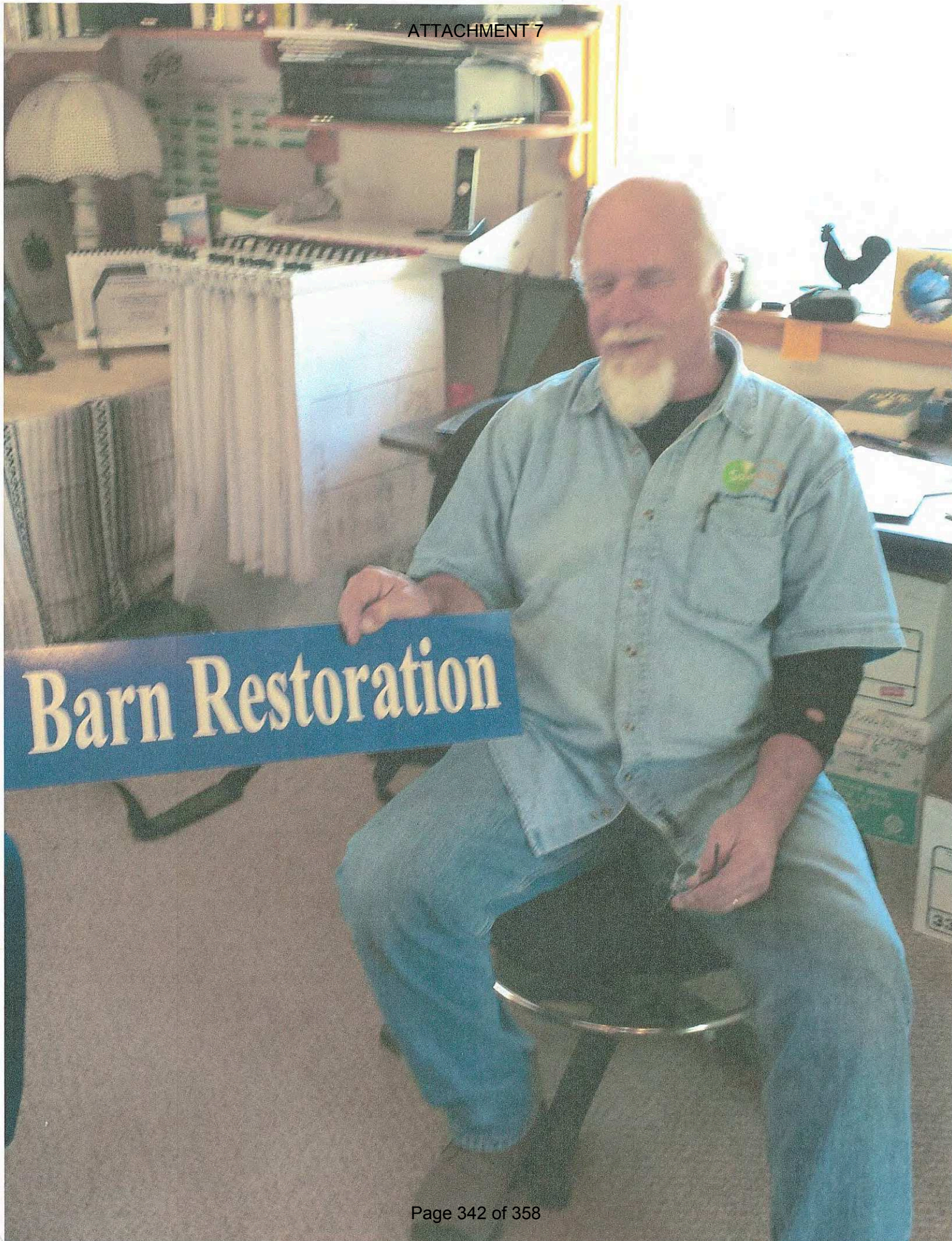
- 12"x27" steel reinforced concrete footings around the perimeter barn
- Interior-steel reinforced concrete grade beams running the length of the barn
- Concrete piers, grade beams, and mechanical anchors at all interior post locations
- Simpson PAHD connectors at all perimeter post connections
- Simpson- Continuous Lateral Strap Ties were installed on all exterior walls at approximately the 6' level.
- Mechanical connections installed at all post/beam/header connections throughout the barn.
- Rebuild roof at the south end of the barn
- Repair wind damage to roof
- Convert a portion of the barn to a tool and equipment room

I would hope the new owners of this barn would consider the historical and unique qualities of this barn and use them to their advantage to attract tourists to their ranch. I believe there is room on the property just east of their existing processing facility that could easily accommodate their new 5000 sft. building.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Hanauer", written in a cursive style.

Jack Hanauer



Apr 14 15 09:28a

Ron Jolliffe

805 239 0303

p.2

TO: Holly Phipps, Project Manager
SLO County Dept. of Planning and Building

FROM: Ron Jolliffe and Colleen Runyen

SUBJ: DRC2013-00028 Proposed Expansion (Willow Creek/Pasolivo)

DATE: April 14, 2015

We own the adjoining property to the south of Pasolivo, at 8380 and 8388 Vineyard Drive.

The proposed construction and expansion of retail use in close proximity to residential property at 8380 Vineyard is of great concern to us. The old red barn which has been used for storage and the very occasional event will be replaced with a new building that will become the destination for retail traffic and possibly 24+ events a year (+any non-profit events were not included in that number). The idea that we would have events with up to 200 people possibly every week over a several month period is very real. These events rarely get spaced evenly over a calendar year. I understand the maximum number of events is requested in order to get as many as possible, however, this proposed event/retail/meeting facilities is very visible to us and the location of such an operation so close to residential properties (to the south and west) is unprecedented to our knowledge.

Thacher and Whalebone Wineries have the distinction of being located a good distance from neighboring homes, and have families who own and operate the business living on the property. Thacher's have six events a year with the

Apr 14 15 09:30a Ron Jolliffe

805 238 0303

p.1

activities, vehicles and participants consolidated in an area that is close to only one residence which is their own.

We understand very well that we have three immediate neighbors who run businesses on their properties, however, none have the potential to impact us as much as those proposed by the corporation that currently owns Pasolivo.

The increased use of the olive mill, disposal of waste materials (paste and water) present an environmental concern as well.

Thank you for considering our concerns.

ATTACHMENT 7

Apr 14 15 09:28a Ron Jolliffe

805 239 0303

p.1

Dear Ramona – I couldn't find this item on the agenda last night on line...perhaps it has been rescheduled?

This is a letter of our concern with regard to the expansion of Pasolivo/Willow Creek property adjacent to our property at 8380 Vineyard.

My cell is 835-1365. My apologies, I know this will be a very busy day for you.

Colleen Runyen/Ron Jolliffe

805/835-1365

TO: Holly Phipps, Project Manager
SLO County Dept. of Planning and Building

FROM: Ron Jolliffe and Colleen Runyen

SUBJ: DRC2013-00028 Proposed Expansion (Willow Creek/Pasolivo)

DATE: April 14, 2015

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The proposed construction and expansion of retail use in close proximity to residential property at 8380 Vineyard is of great concern to us. The old red barn which has been used for storage and the very occasional event will be replaced with a new building that will become the destination for retail traffic and possibly 24+ events a year (+any non-profit events were not included in that number). The idea that we would have events with up to 200 people possibly every week over a several month period is very real. These events rarely get spaced evenly over a calendar year. I understand the maximum number of events is requested in order to get as many as possible, however, this proposed event/retail/meeting facility located a stone's throw from Vineyard Drive and even closer to our residence at 8380 is very visible to us. The approval of such a large new commercial facility this close to several existing residences would have a huge impact on the quality of life of neighbors who live here year round.

Thacher and Whalebone Wineries have the distinction of being located a good distance from neighboring homes, and have families who own and operate the

business living on the property. Thacher's have six events a year with the activities, vehicles and participants consolidated in an area that is close to only one residence which is their own. The proposed expansion and increased use of the Pasolivo property including retail space, meetings, events, vacation rentals, and milling services might better serve the community were it located further from Vineyard Drive, keeping noise and traffic a more neighborly distance from current residences.

We understand very well that we have three immediate neighbors who run businesses on their property, however, none have the potential to impact us as much as those proposed by the corporation that currently owns Pasolivo.

(We are disheartened to learn that the barn did not meet historical preservation criteria. This landmark will be missed.)

Additionally we have concern over the increased use of the olive mill, disposal of waste materials (paste and water) present an environmental concern .

Thank you for considering our concerns.

Donna Hernandez

Holly Phipps referred me to you for the purpose of forward the attached letter regarding Pasolivo/Willow Creek proposed expansion.

I received a notice of a public hearing for the Board of Sups for April 14, still have no notices from planning department. When I looked online to confirm the agenda and discovered no mention of Pasolivo I called Holly and learned of the meeting this Friday (this was yesterday that I spoke to Holly).

I am planning on attending the meeting Friday the 17th. We are building our home on Vineyard and are working every day on the house, yesterday I was already at work when I spoke to Holly.

If you have any concerns or more information regarding the meeting please call my cell number 835-1365.

Thank you for your time.

Colleen Runyen and Ron Jolliffe

8380 Vineyard Drive

Mailing address

843 Vine Street

Paso Robles, CA 93446 (maybe this is the mix up in addresses the county has for us?)



April 16, 2015

Ms. Mandi Pickens
Principal Planner
Kirk Consulting
8830 Morro Rd
Atascadero, CA 93422

Topic: Acoustical Analysis for the Pasolivo Events/Olive Oil Production Expansion

Dear Ms Pickens:

I just received a copy of the voluminous complaint compiled by Wittwer/Parkin, attorneys for the Webster's who own the property to the north of the proposed events venue. It would take hours to compose a detailed response to all of the claims but I can comment on the ones that seem most significant. Generally, the complaints are nitpicky and superficial, supported by no evidence. There are no stated facts that contradict our several reports on this project. There is no analysis showing any inaccuracy in the work.

Support for the Project

In doing noise studies there is no attempt to promote projects or shape results to the desires of clients. The findings were exactly as described in the report. The sound level restrictions proposed as mitigations are not convenient to the events sponsor.

Documentation

The report we prepared contains extended discussion describing the test events and measurement procedures. Adding more language would not change the conclusions of the analysis. We can provide additional narration if requested by the County to produce additional descriptive information.

Daytime and Nighttime Events

The County's regulations specify a "standard day" that is measured from 7 AM to 10 PM. The proposed events activity will end at 10 PM and is not a nighttime event under the County's standards.

Measurement of Noise Impact at Residences

The County's standards require measurements to be made at the property line of adjacent noise sensitive uses, not at the location of residential development. The property line restrictions are, in most cases, more demanding than those for structures located further from the parcel boundary

Lack of Documentation of Impacts on Property Lines to the North and East

This wasn't included in the report because it is evident that if standards are met at the closest property line they are likely to be met at property edges that are far more distant. The project proponent requested us to prepare a study of noise levels at the more distant locations and this was submitted to the County. Noise levels at the more distant property lines do not exceed County standards.

Extraordinary Meteorological Events and Channeling of Noise

We are careful to make noise level readings in calm wind conditions, with no rain or temperature extremes. While wind directions change, and this does affect noise attenuation over distance, the idea is to represent average conditions. Inversion layers can affect noise readings but not in close by measurements of levels.

The idea that the topography channels noise at this location is not consistent with the topography. There is terrain between the "Barn" and the northern property line that would block sound. The topography would produce noise reductions rather than increases.

The idea that somehow these conditions combine to create a 12 dB increase in sound level at the Webster's property line is quite unlikely and the contention is supported by no technical references or analysis.

Calibration of Equipment

Before and after making noise readings, we calibrated the noise level meter with the exact model of calibrator shown in the pictures in the attorney's letter, B&K model 4231. The calibration reference may refer to the desirability of laboratory calibration of the meter and the calibrator. This is recommended to be done on a yearly basis but the need for verification varies with the level of use. The meter and calibrator used were laboratory calibrated in September of 2011. This was repeated in October of 2013. The equipment was found to be accurate both before and after the time the events venue was studies. The equipment did not stray from accuracy and the values presented are accurate representations of the sound measurement levels taken at the specified locations.

In summary, the attorney's concerns and the comments of the peer reviewer have already been covered in the original study and the supplemental analysis prepared on March 25, 2015. The County's conditions specify that noise levels be measured during events and that they are not to exceed County standards. Given such a restriction it is certain that, if there is no deviation from this condition, the project will be in conformance with County requirements for events.

Sincerely,



David Dubbink, Ph.D., AICP

Done

PLANNING DEPARTMENT HEARINGS

AGENDA ITEM:

#6 - WILLOW CREEK

DATE:

APRIL 17, 2015

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Pasolivo

FEBRUARY 27, 2014



Done

PLANNING DEPARTMENT HEARINGS

AGENDA ITEM: #6 - WILDWAVE

DATE: APRIL 17, 2015

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Pasolivo

FEBRUARY 27, 2014



2 Likes

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APRIL 17, 2019
#6 - WILLOW CREEK
SPRINTMENT HEARINGS



LSA ASSOCIATES, INC.
157 PARK PLACE
PT. RICHMOND, CALIFORNIA 94801

510.236.6810 TFI
510.236.7450 FAX

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RIVERSIDE
ROCKLIN
SAN LUIS OBISPO

MEMORANDUM

DATE: April 17, 2015

TO: Mandi Pickens, Kirk Consulting

FROM: Michael Hibma, M.A., RPH, Architectural Historian; Andrew Pulchcon, M.A., RPH, AICP, Principal, LSA Associates, Inc.

SUBJECT: Draft Response to Comments on the California Register of Historical Resources Eligibility Evaluation of the Pasolivo Barn

This memorandum was prepared by LSA Associates, Inc. (LSA), Architectural Historian Michael Hibma, who meets the Secretary of the Interior's *Professional Qualification Standards* for history and architectural history (36 CFR Part 61). The memorandum responds to points raised by a local resident who expressed concerns regarding the proposed demolition of a circa 1925 barn in the Pasolivo project area. In September 2013, LSA prepared a *Phase I Archaeological Survey and Historical Assessment* of the proposed Pasolivo Project. The study identified four built environment resources 50 years old and older in the project area, one of which was the subject barn. Based on background research and field observations, LSA evaluated the eligibility of the resources for inclusion in the California Register of Historical Resources (California Register) eligibility evaluations. LSA concluded that none of the resources appeared eligible for inclusion in the California Register due to a lack of significant historical associations.

The concerns expressed regarding cultural resources focus solely on the barn, which was recorded as a rectangular, 6,500-square-foot, wood-framed barn with a two-story central section flanked by single story, shed-roofed cribs on the east and west façades. The barn is located approximately 350 feet east of Vineyard Drive. Records at the North County Branch office of the San Luis Obispo County Assessor and Recorder indicate that this Pasolivo property was once in operation as a dairy, with Assessor records depicting several buildings and structures (several now demolished) associated with dairy production. The concerns expressed are based on the barn's architectural qualities, age, use of local materials, design, and an association with King Vidor, a noted early Hollywood producer, director, and screenwriter who owned the barn as part of his larger 1,500-acre ranch from 1946 until his death in 1982. The study prepared by LSA concluded that the barn did not appear eligible for inclusion under any of the California Register criteria due to a lack of significant associations and was not a historical resource as defined at California Public Resources Code (PRC) Section 21084.1

ELIGIBILITY EVALUATION

The California Register eligibility evaluation of the barn is summarized below according to the significance criteria contained in PRC Section 5024.1.

Criterion 1: Is it associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage?

LSA's research indicated that although the barn is associated with a pattern of events that has been significant in local history (agricultural development in the Adelaida area), the barn does not have an important association with that pattern of events.

Criterion 2: Is it associated with the lives of persons important in our past?

Research indicated that the barn is located on a portion of a larger ranch that was once owned by King Vidor, an early Hollywood producer, director, and screenwriter. Vidor's ranch, at the height of its geographic extent, comprised approximately 1,500 acres, of which the project area was a small part (seven acres).

Research did not indicate that Vidor constructed or commissioned the construction of the barn, or that it served as part of an administrative or operational headquarters for his ranch. The barn appears to be part of a satellite complex associated with the day-to-day operation of the Willow Creek Ranch, and it is not associated with his productive life as a prominent Hollywood producer, director, and screenwriter.

Criterion 3: Does it embody the distinctive characteristics of a type, period, region, or method of construction, or represent the work of an important creative individual, or possess high artistic values?

Architecture in the project area parallels trends elsewhere in San Luis Obispo County during the 20th century. The barn possesses the general characteristics of a utilitarian design, a style well represented in the existing building stock of northwest San Luis Obispo County and the Central Coast. Research and field observations indicate that it reflects a design and use of materials that are indicative of a vernacular expression, that which utilized common techniques prevalent in rural carpentry. The utilitarian design and configuration indicates that this barn was used as a multi-purpose building to house or contain a variety of typical agricultural operations; as such, the barn does not represent the work of an important creative individual or possesses high artistic value.

LSA conducted a windshield review of the local area to identify other examples of barn architecture as a comparative basis for the evaluation. As a comparative example, LSA considered the barn identified by Bertrando (2005) at the Kentucky Ranch, an equestrian facility located at 8355 Vineyard Drive that "appears to be have operated from about 1950 to 2000" (LSA 2013:23). The Kentucky Ranch Barn, a Gothic-arch roof horse barn built circa 1925, appeared eligible for inclusion in the California Register under Criterion 3 as an example of "particular barn construction technique that was part of the evolution of barn design during the Twentieth Century" (LSA 2013:23).

The subject barn does not possess any of the distinguishing characteristics expressed by the Kentucky Ranch Barn.

Criterion 4: Has it yielded, or may it be likely to yield, information important in prehistory or history?

The utilitarian design has been well documented in agricultural literature, which has been extensively published and is widely available. For this reason, additional study of the barn would not yield information important to history.

Eligibility Conclusion

Due to a lack of historical significance, the barn does not appear eligible for inclusion in the California Register, nor does it qualify as a historical resource for the purposes of CEQA.

COMMENT RESPONSES

The concerns raised by Claudia Webster in an email to Dr. Daniel Krieger dated February 28, 2015, are presented below and followed by a response.

Comment 1: *A local contractor, Jack Hanauer, a local contractor tried to speak out at a planning department hearing about the unique nature of the barn on the property. He said it was the only barn in the area that he knew of that was built with local oak.*

Response: It was common for utilitarian agricultural buildings and structures to use local materials in their design and construction due to ready availability and low cost.

Comment 2: *The posts are actual tree trunks.*

Response: The barn was heavily damaged during the San Simeon Earthquake of December 2002; following the earthquake, the barn's entire superstructure was rebuilt with lodge poles set in circular concrete supports (LSA 2013:20).

Comment 3: *He (Jack Hanauer) also said it was unique because of its construction (the roof is level, of course, but it is 10' higher on one side [sic] than the other).*

Response: The barn's roof is not configured as described in the above comment. The barn is covered by an end-gabled, medium-pitched, full-length central two-story portion symmetrically flanked by a full-length single story, shed-roofed cribs on the east and west façades. In LSA's opinion, the visual signature of the barn is common to other types of barns in the local area and Central Coast.

Comment 4: *He (Jack Hanauer) also said it was in very good shape as it has a new foundation and repair work done in 2005.*

Response: LSA concurs with this statement; the barn is in good condition and recent repairs noted are evident. However the barn's structural (and altered) condition does not add associative qualities as a historical resource.

Comment 5: *We know that it was originally a dairy barn.*

Response: LSA concurs with this statement regarding the barn's history based on archival research. It is common for utilitarian buildings such as barns to be repurposed to meet the needs of different owners.

Comment 6: *We know that at one time it was owned by King Vidor.*

Response: LSA concurs with this statement regarding the barn's ownership history based on archival research. LSA's research also indicated that Vidor began amassing property in the Las Tablas/Adelaida area in the 1940s and was still expanding his holdings when he acquired lands containing the project area in 1946. At its greatest extent, Vidor's holdings covered 1,500 acres. LSA's chain of title research at the San Luis Obispo County recorder indicated that the barn and project area was owned by Johannes C. and Mildred L. Thiele, who, in 1946, sold the land that included the project area to King Vidor; Vidor owned the land until his death in 1982 (San Luis Obispo Recorder, 1944). In 1977, Vidor transfers ownership of his lands to the King Vidor Trust (San Luis Obispo County Recorder 1977). Four years later, the trustees of Vidor's estate sold the land to Karen Guth and Charles Applebaum.

National Register Bulletin 15, *How to Apply the National Register Criteria for Evaluation*, provides guidance developed by the National Park Service that explains how to apply the criteria in evaluating properties that may be significant in local, State, and national history. This guidance is acknowledged as relevant in the application of California Register criteria due to the similarity between the registration programs (cf. PRC 5024.1(c)). In discussing the application of Criterion B (Criterion 2 of the California Register), Bulletin 15 states:

Properties eligible under Criterion B are usually those associated with a person's productive life, reflecting the time period when he or she achieved significance. In some instances this may be the person's home; in other cases, a person's business, office, laboratory, or studio may best represent his or her contribution. Properties that pre- or post-date an individual's significant accomplishments are usually not eligible.

King Vidor is best known for his association with the early 20th century history of Hollywood. In his career as a director, producer, and screen writer, his filmography covers over 70 films, the bulk of which were made between 1913 and the mid-1940s. The association with Mr. Vidor and the project area appears to have begun near the end of his main productive period in the film industry. No evidence was found that linked the barn with any of his movies as a prop, set, or housing any movie equipment. Mr. Vidor did not reside in an area in proximity to the barn.

Comment 7: *I was also able to obtain a document from the county that shows it in existence in 1900. That makes it older than the Octagonal barn which has been preserved.*

Response: LSA did not identify the reference document during background research. LSA build date estimate of 1925 is based on information from San Luis County Assessor records, architectural characteristics, and historical USGS topographic maps.

Regardless of the potential difference in construction dates, the earlier date (if accurate) does not appear to be determinative with respect to the barn's status. Based on archival research and field

ATTACHMENT 7

LSA ASSOCIATES, INC.

observations, the barn does not possess the associative significance or distinctive architectural qualities to confer significance under California Register Criterion 1 through 4.

Comment 8: *The planning department just says it [the barn in the project area] is historically insignificant.*

Response: LSA agrees with this assessment.